



# भारत का राजपत्र The Gazette of India

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No. 2]

NEW DELHI, SATURDAY, JANUARY 10, 1998/PAUSA 20, 1919

इस भाग में निम्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में  
रखा जा सके

Separate Paging is given to this Part in order that it may be filed as a  
separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii)  
PART II—Section 3—Sub-section (ii)

भारत सरकार के मंत्रालयों (रक्षा मंत्रालय को छोड़कर) द्वारा जारी किए गए सांविधिक आदेश और अधिसूचनाएं  
Statutory Orders and Notifications Issued by the Ministries of the Government of India  
(Other than the Ministry of Defence)

कार्मिक, लोक शिकायत तथा पेंशन मंत्रालय

(कार्मिक और प्रशिक्षण विभाग)

नई दिल्ली, 19 दिसम्बर, 1997

का.आ. 70.—केन्द्रीय सरकार एतद्वारा आतंकवादी और विध्वंसकारी क्रियाकलाप (निवारण) अधिनियम, 1987 (1987 का अधिनियम सं. 28) की धारा 13 की उपधारा (1) के परन्तुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, श्री पवित्र सिंह भारद्वाज, अधिवक्ता, जम्मू और कश्मीर उच्च न्यायालय, निवासी तालाब तिल्लो, जम्मू की आतंकवादी और विध्वंसकारी क्रियाकलाप (निवारण)

अधिनियम, 1987 की धारा 9 के उपबन्धों के अधीन गठित जम्मू स्थित नामनिर्दिष्ट न्यायालय में विशेष जांच कक्ष-2, दिल्ली विशेष पुलिस स्थापना, केन्द्रीय अन्वेषण द्यूरो, नई दिल्ली द्वारा अन्वेषित और संस्थित मामलों यथा (1) आरसी-1(एस)/90-एसआईयू-5/एसआईसी-2/सीबीआई/नई दिल्ली (वायु सेना कार्मिक हत्याकांड) (2) आरसी-2 (एस)/90-एसआईयू-5/एसआईसी-1/सीबीआई/नई दिल्ली (लारसा कौल हत्याकांड) (3) आरसी-3(एस)/90-एसआईयू-5/एसआईसी-2/सीबीआई/नई दिल्ली (मोर मुस्तफा हत्याकांड) (4) आरसी-4(एस)/90-एसआईयू-5/एसआईसी-2/सीबीआई/नई दिल्ली (बी.के. गंजू हत्याकांड) (5) आरसी-5 (एस)/90-एसआईयू-5/एसआईसी-2/

सीबीआई/नई दिल्ली (कुलपति (बी.सी.) हत्याकांड)  
(6) आरसी-6(एस)/90-एसआईयू-5/एसआईसी-2/ सी०  
बी०आई०/नई दिल्ली (एच.एल. खेड़ा हत्याकांड) और (7)  
आरसी-1 (एस)/92-एसआईयू-5-एसआईसी-2/सीबीआई/  
नई दिल्ली (पुलिस महानिदेशक के कार्यालय में बम विस्फोट  
संबंधी मामला) के अभियोजन तथा इन मामलों में से  
संबंधित और उक्त अधिनियम के अधीन उद्भूत किसी  
अन्य विषय का संचालन करने के लिये विशेष लोक  
अभियोजक के रूप में नियुक्त करती है।

[सं. 225/49/97-एवीडी-II(i)]

हरि सिंह, अवर सचिव

# MINISTRY OF PERSONNEL, PG & PENSIONS

(Department of Personnel & Training)

New Delhi, the 19th December, 1997

S.O. 70.—In exercise of the powers conferred by the proviso to sub-section (1) of Section 13 of the Terrorist & Disruptive Activities (Prevention) Act 1987 (Act No. 28 of 1987), the Central Government hereby appoints Shri Pavitar Singh Bhardwaj, Advocate J&K High Court r/o Talab Tillo, Jammu as Special Public Prosecutor for conducting prosecution of the cases namely (i) RC 1(S)/90-SIU.V/CBI/SIC.II/New Delhi (Air Force personnel murder case), (ii) RC 2(S)/90-SIU.V/CBI/SIC.II/New Delhi (Lassa Kaul Murder case), (iii) RC 3(S)/90-SIU.V/CBI/SIC.II/New Delhi (Mir Mustafa Murder case), (iv) RC 4(S)/90-SIU.V/CBI/SIC.II/New Delhi (B.K. Ganjoo Murder case), (v) RC 5(S)/90-SIU.V/CBI/SIC.II/New Delhi (V.C. Murder case), (vi) RC 6(S)/90-SIU.V/CBI/SIC.II/New Delhi (H.L. Khara Murder case) and (vii) RC 7(S)/92-SIU.V/SIC.II/CBI/New Delhi (DGP office Bomb Blast Case) and any other matter connected therewith and arising under the said Act, investigated and instituted by the Special Investigation Cell-II of Delhi Special Police Establishment, Central Bureau of Investigation, New Delhi in the Designated Court at Jammu constituted under the provisions of Section 9 of Terrorist & Disruptive Activities (Prevention) Act, 1987.

[No. 225/49/97-AVD.II(i)]

HARI SINGH, Under Secy.

नई दिल्ली, 19 दिसम्बर, 1997

का.आ. 71.—केन्द्रीय सरकार एतद्वारा आतंकवादी और विध्वंसकारी क्रियाकलाप (निवारण) अधिनियम, 1987 (1987 का अधिनियम सं. 28) की धारा 13 की उपधारा (1) के परन्तुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए श्री माखन लाल धूसू, अधिवक्ता, जम्मू और

कश्मीर उच्च न्यायालय, निवासी 366-ए, राजपुरा, शक्ति नगर चौक, जम्मू तवी को आतंकवादी और विध्वंसकारी क्रियाकलाप (निवारण) अधिनियम, 1987 की धारा 9 के उपबन्धों के अधीन गठित जम्मू स्थित नामनिर्दिष्ट न्यायालय में विशेष जांच कक्ष-2, दिल्ली विशेष पुलिस स्थापना, केन्द्रीय अन्वेषण ब्यूरो, नई दिल्ली द्वारा अन्वेषित और संस्थित मामलों यथा (1) आरसी 7 (एस)/90-एसआईयू-5/सीबीआई/एसआईसी-2/नई दिल्ली (डॉ. रुबिया सईद अपहरण मामला), (2) आरसी 8(एस)/90-एसआईयू-5/सीबीआई/एसआईसी-2/नई दिल्ली (मौलवी फारूक हत्याकांड), (3) आरसी 4/91-एसआईयू-5/सीबीआई/एसआईसी-2/नई दिल्ली, (धर्मवीर हत्याकांड), (4) आरसी 6(एस)/91-एसआईयू-5/सीबीआई/एसआईसी-2/नई दिल्ली (नहीदा अपहरण मामला), (5) आरसी 9(एस)/92-एस आई यू-5/सी बी आई/एस आई सी-2/नई दिल्ली (बांचू हत्याकांड) और (6) आरसी-3(एस)/94/एसआईयू-5/सीबीआई/एसआईसी-2/नई दिल्ली (फिरदौस अहमद खान मामला) के अभियोजन तथा इन मामलों से संबंधित और उक्त अधिनियम के अधीन उद्भूत किसी अन्य विषय का संचालन करने के लिये विशेष लोक अभियोजक के रूप में नियुक्त करती है।

[सं. 225/49/97-एवीडी-II(ii)]

हरि सिंह, अवर सचिव

New Delhi, the 19th December, 1997

S.O. 71.—In exercise of the powers conferred by the proviso to sub-section (1) of Section 13 of the Terrorist & Disruptive Activities (Prevention) Act 1987 (Act No. 28 of 1987), the Central Government hereby appoints Shri Makhan Lal Thusoo, Advocate, J&K High Court r/o 366-A Rajpura, Shakti Nagar Chowk, Jammu Tawi as Special Public Prosecutor for conducting prosecution of the cases namely (i) RC 7(S)/90-SIU.V/CBI/SIC.II/New Delhi (Dr. Rubiya Sayeed kidnapping case), (ii) RC 8(S)/90-SIU.V/CBI/SIC.II/New Delhi (Maulvi Farooq Murder case), (iii) RC 4(S)/91-SIU.V/CBI/SIC.II/New Delhi (Dharambir Murder case), (iv) RC 6(S)/91-SIU.V/CBI/SIC.II/New Delhi (Naheeda kidnapping case), (v) RC 9(S)/92-SIU.V/CBI/SIC.II/New Delhi (Wanchoo Murder case), (vi) RC 3(S)/94-SIU.V/CBI/SIC.II/New Delhi Firdous Ahmed Khan case) and any other matter connected therewith and arising under the said Act, investigated and instituted by the Special Investigation Cell-II of Delhi Special Police Establishment, Central Bureau of Investigation, New Delhi in the Designated Court at Jammu constituted under the provisions of Section 9 of Terrorist & Disruptive Activities (Prevention) Act, 1987.

[No. 225/49/97-AVD.II(ii)]

HARI SINGH, Under Secy.

वित्त मंत्रालय

(आर्थिक कार्य विभाग)

(बैंकिंग प्रभाग)

नई दिल्ली, 23 दिसम्बर, 1997

का.आ. 72.—बैंककारी विनियमन अधिनियम, 1949 (1949 का 10) की धारा 53 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारत सरकार, भारतीय रिजर्व बैंक की संस्तुति पर, एतद्वारा घोषणा करती है कि उक्त अधिनियम की धारा 10 की उपधारा (1) (ग) (घ) के उपबन्ध बैंक आफ इंडिया के मामले में, जहां तक इसका संबंध बैंक आफ इंडिया के अध्यक्ष एवं प्रबंध निदेशक श्री एम.जी. भिडे की भारतीय प्रतिभूति व्यापार निगम लि. के बोर्ड में निदेशक के रूप में नियुक्ति से है, लागू नहीं होंगे।

[फा.सं. 20/8/95-बीओ-I]

गुधीर श्रीवास्तव, निदेशक

MINISTRY OF FINANCE

(Department of Economic Affairs)

(Banking Division)

New Delhi, the 23rd December, 1997

S.O. 72.—In exercise of the powers conferred by Section 53 of the Banking Regulation Act, 1949 (10 of 1949), the Government of India on the recommendations of the Reserve Bank of India, hereby declare that the provisions of sub-section (1) (c) (i) of Section 10 of the said Act shall not apply to Bank of India in so far as it relates to the appointment of Shri M. G. Bhide, Chairman and Managing Director, Bank of India, as a director on the Board of Securities Trading Corporation of India Limited.

[F. No. 20/8/95-B.O.I.]

SUDHIR SHRIVASTAVA, Director.

(राजस्व विभाग)

(केन्द्रीय प्रत्यक्ष कर बोर्ड)

नई दिल्ली, 26 दिसम्बर, 1997

का.आ. 73.—सर्वसाधारण को सूचना के लिये यह अधिसूचित किया जाता है कि केन्द्रीय सरकार द्वारा मैसर्स नेशनल कोऑपरेटिव डेवलपमेंट कॉर्पोरेशन, 4, सिरी

इंस्टिट्यूशनल एरिया, होजखास, नई दिल्ली को आयकर अधिनियम, 1961 की धारा 36(1)(viii) के प्रयोजनार्थ कर निर्धारण वर्ष 1994-95 के लिये एक हाउसिंग फाइनेंस कम्पनी के रूप में अनुमोदित किया जाता है।

2. यह अनुमोदन इस शर्त पर दिया गया है कि कम्पनी आयकर अधिनियम, 1961 की धारा 36(1)(viii) के उपबन्ध के अनुरूप होगी और उनका अनुपालन करेगी।

[अधिसूचना सं. 10478/फा.सं. 204/19/94-आयकर  
नि.-II]

मालथी आर. श्रीधरन, अवसर सचिव

(Department of Revenue)

(Central Board of Direct Taxes)

New Delhi, the 26th December, 1997

S.O. 73.—It is notified for general information that M.s. National Co-operative Development Corporation, 4, Siri Institutional Area, Hauzhas, New Delhi has been approved by the Central Government as a Housing Finance Company for the purposes of Section 36(1)(viii) of the Income Tax Act, 1961, for the assessment year 1994-95.

The approval is subject to the condition that the company will conform to and comply with the provisions of Section 36(1)(viii) of the Income tax Act, 1961.

[Notification No. 10478/F. No. 204/19/94-ITA-II]

MALATHI R. SRIDHARAN, Under Secy.

(आर्थिक कार्य विभाग)

(बैंकिंग प्रभाग)

नई दिल्ली, 31 दिसम्बर, 1997

का.आ. 74.—बैंककारी अधिनियम, 1949 (1949 का 10) की धारा 53 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार भारतीय रिजर्व बैंक की सिफारिश पर, एतद्वारा घोषणा करती है कि उक्त अधिनियम की धारा 13 के उपबन्ध इंडस्ट्रियल बैंक लि. पर इस अधिसूचना की तारीख से एक वर्ष की अवधि के लिए लागू नहीं होंगे।

[फा.सं. 15/8/97-बी.ओ. ९० (i)]

के.के. मंगल, अवसर सचिव

(Department of Economic Affairs)

(Banking Division)

New Delhi, the 31st December, 1997

S.O. 74.—In exercise of the powers conferred by Section 53 of the Banking Regulation Act, 1949 (10 of 1949), the Central Government, on the recommendation of the Reserve Bank of India, hereby declares that the provisions of Section 13 of the said Act shall not apply for a period of one year from the date of this notification to the IndusInd Bank Limited.

[No. 15/8/97-BOA(i)]

K. K. MANGAL, Under Secy.

नई दिल्ली, 31 दिसम्बर, 1997

का.ग्रा. 75.—बैंककारी विनियमन अधिनियम, 1949 (1949 का 10) की धारा 53 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, भारतीय रिजर्व बैंक की सिफारिश पर, एतद्वारा घोषणा करती है कि उक्त अधिनियम की धारा 15(1) के प्रावधान इंडसइंड बैंक लि. पर इस अधिसूचना की तारीख से पांच वर्ष की अवधि के लिए लागू नहीं होंगे।

[एफ. ० सं. 15/8/97-बी०ओ०ए० (ii)]

के०के० मंगल, अवर सचिव

New Delhi, the 31st December, 1997

S.O. 75.—In exercise of the powers conferred by Section 53 of the Banking Regulation Act, 1949 (10 of 1949) the Central Government, on the recommendation of the Reserve Bank of India, hereby declares that the provisions of Section 15(1) of the said Act shall not apply, for a period of Five years from the date of this notification, to the IndusInd Bank Limited.

[No. 15/8/97-BOA(ii)]

K. K. MANGAL, Under Secy.

ग्रामीण और रोजगार मंत्रालय

नई दिल्ली, 16 दिसम्बर, 1997

का.ग्रा. 76.—केन्द्रीय सरकार, साधारण श्रेणीकरण और चिन्हांकन नियम, 1988 के नियम 13 के खंड (घ) द्वारा प्रदत्त शक्तियों के अनुसरण में ग्रामीण विकास मंत्रालय की अधिसूचना का.ग्रा. सं. 246(अ) तारीख 21-3-1994 में निम्नलिखित संशोधन करती है, अर्थात् :—

उक्त अधिसूचना की सारणी में, शीर्षक “क” नियान श्रेणीकरण के अधीन क्रम सं. 27 और उससे संबंधित प्रविष्टियों के पश्चात् निम्नलिखित क्रम सं. और प्रविष्टियां अन्तःस्थापित की जायेंगी, अर्थात् :—

“28. प्रति 10 कि.ग्रा./10लीटर या उसके भाग के लिये 2.65 रु.।

29. गहूद प्रति 10 कि.ग्रा. या उसके भाग के लिये 1.60 रु.।”

[सं. 18011/6/97-एम.-II]

बी.एन. मिश्र, आर्थिक सलाहकार, कृषि विपणन

## MINISTRY OF RURAL AREAS AND EMPLOYMENT

New Delhi, the 16th December, 1997

S.O. 76.—In pursuance of powers conferred by clause (d) of rule 13 of the General Grading and Marking Rules, 1988, the Central Government hereby makes the following amendment in the notification of Ministry of Rural Development bearing S.O. No. 246(E) dated 21st March, 1994, namely :—

In the table of the said notification, under the heading “A-Export Grading”, after serial No. 27 and the entries relating thereto, the following serial numbers and entries shall be inserted, namely :—

“28. Ghee Rs. 2.65 per 10 Kg./10 Litre or part thereof.

29. Honey Rs. 1.60 per 10 Kg. or part thereof.”

[No. 18011/6/97-M. II]

V. N. MISRA, Economic Adviser,  
Agricultural Marketing.

रेल मंत्रालय

(रेलवे बोर्ड)

नई दिल्ली, 30 दिसम्बर, 1997

का० भा० 77.—राजभाषा नियम, 1976 (संघ के शासकीय प्रयोजनों के लिए प्रयोग) के नियम 10 के उपनियम (2) और (4) के अनुसरण में रेल मंत्रालय (रेलवे बोर्ड) दक्षिण-मध्य रेल एवं रेल वावा अधिकरण के निम्नलिखित कार्यालयों को जहां कर्मचारियों ने हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लिया है, अधिसूचित करता है :—

गुंतकाल मंडल :

1. मंडल रेल प्रबंधक कार्यालय, गुंतकाल
2. वरिष्ठ मंडल यांत्रिक इंजीनियर कार्यालय/डीजल शेड/गुंतकाल

हैदराबाद मंडल :

1. रेल स्टेशन, खंडवा
2. रेल स्टेशन, पेडगांव
3. रेल स्टेशन, अकोट
4. रेल स्टेशन, तुकईथड

रेल वावा अधिकरण :

1. रेल वावा अधिकरण, मुंबई

[सं हिन्दी-97/रा० भा० 1/12/1]

डी० पी० त्रिपाठी, सचिव, रेलवे बोर्ड एवं पदेन अपर सचिव

MINISTRY OF RAILWAYS

(Railway Board)

New Delhi, the 30th December, 1997

S.O. 77.—In pursuance of Sub-Rules (2) and (4) of Rule 14 of the Official Language (use for official purposes of the Union) Rules, 1976, the Ministry of Railways (Railway Board) hereby notify the following offices of South-Central Railway and Railway Claims

Tribunal where the staff have acquired the working knowledge of Hindi :—

Guntakal Division :

1. Divisional Railway Manager, Guntakal.
2. Office of the Senior Divisional Mechanical Engineer/Diesel Shed, Guntakal.

Hyderabad Division :

1. Railway Station, Khandwa.
2. Railway Station, Pedgaon.
3. Railway Station, Akot.
4. Railway Station, Tukaithad.

Railway Claims Tribunal :

1. Railway Claims Tribunal, Mumbai.

[No. Hindi-97/O.L. 1/12/1]

D. P. TRIPATHI, Secy.

Railway Board and Ex-officio Addl. Secy.

पर्यावरण और वन मंत्रालय

नई दिल्ली, 23 दिसम्बर, 1997

का० आ० 78.—निम्नलिखित प्रारूप अधिसूचना जिसे केन्द्रीय सरकार पर्यावरण (संरक्षण) अधिनियम, 1986 (1986 का 29) की धारा 6 की उपधारा (2) के खंड (घ) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए बनाने की प्रस्थापना करती है, पर्यावरण (संरक्षण) नियम, 1986 के नियम 13 की अपेक्षानुसार ऐसे सभी व्यक्तियों की जानकारी के लिए जिनके उससे प्रभावित होने की संभावना है, प्रकाशित किया जाता है और यह सूचित किया जाता है कि उक्त प्रारूप अधिसूचना पर उस तारीख से जिसकी उस राजपत्र की प्रतियां जिसमें यह अधिसूचना प्रकाशित की जाती है, जनता को उपलब्ध कराई जाती है, साठ दिन की समाप्ति के पश्चात् विचार किया जाएगा।

उक्त प्रारूप की बाबत किसी व्यक्ति से उक्त अधि की समाप्ति से पूर्व प्राप्त आक्षेपों या सुझावों पर केन्द्रीय सरकार द्वारा विचार किया जाएगा।

आक्षेप या सुझाव सचिव, भारत सरकार, पर्यावरण और वन मंत्रालय, पर्यावरण भवन, केन्द्रीय कार्यालय परिसर, नई दिल्ली-110003 को भेजे जा सकते हैं।

#### प्रारूप अधिसूचना

इससे उपावद्ध अनुसूची में विनिर्दिष्ट पदार्थ ओजोन परत में ह्रास कारित करने वाले हैं जिससे मानव स्वास्थ्य और प्राकृतिक परिस्थिति पारिस्थितिकी की पद्धति प्रभावित होती है;

केन्द्रीय सरकार की यह राय है कि औषधीय प्रयोजनों के लिए उपयोग में लाए जाने वाले मापी गई मात्रा के प्लास यंत्रों के सिवाय एरोसोल उत्पादों के विनिर्माण की वे क्षमताएं जिनमें उक्त अनुसूची में विनिर्दिष्ट पदार्थ हों, ऐसे पदार्थों के उपयोग को अन्तिम रूप से समाप्त करने के प्रयोजन के लिए विद्यमान स्तर पर ही अवशुद्ध कर दिया जाना चाहिए;

अतः, अब, केन्द्रीय सरकार पर्यावरण (संरक्षण) नियम, 1986 के नियम 13 के साथ पठित पर्यावरण (संरक्षण) अधिनियम, 1986 (1986 का 29) की धारा 6 की उपधारा (2) के खंड (घ) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, इस अधिसूचना के अन्तिम प्रकाशन की तारीख से औषधीय प्रयोजनों के लिए उपयोग में आने वाले मापी गई मात्रा के प्लास यंत्रों के सिवाय एरोसोल उत्पादों की स्थापना पर जिनमें पूर्वोक्त अनुसूची में विनिर्दिष्ट पदार्थ हैं, प्रतिषेध करती है।

उक्त प्रतिषेध सम्पूर्ण भारत पर लागू होगा।

#### अनुसूची

ओजोन परत में ह्रास कारित करने वाले और एरोसोल उत्पादों के विनिर्माण में उपयोग में आने वाले पदार्थों की सूची

क्रम सं.	पदार्थ का नाम	पदार्थ का रासायनिक मिश्रण
1	2	3
1.	सी एफ सी-11	ट्राइक्लोरोफ्लोरोमैथेन (सीएफसी एल-3)

1	2	3
2.	सी एफ सी-12	डाइक्लोरोडाइफ्लोरोमैथेन (सी एफ 2 सी एल० 2)
3.	कार्बन टेट्राक्लोराइड	सी सी एल 4
4.	एच सी एफ सी-22	क्लोरोडाइफ्लोरोमैथेन (सी एच एफ 2 सी एल० 2)

[फा० सं० 16/14/95-ओ०सी०]

विनोद बैश, अतिरिक्त सचिव

### MINISTRY OF ENVIRONMENT AND FORESTS

New Delhi, the 23rd December, 1997

S.O. 78.—The following draft notification which the Central Government proposes to make in exercise of the powers conferred by clause (d) of sub-section (2) of section 6 of the Environment (Protection) Act, 1986 (29 of 1986), is hereby published as required by rule 13 of the Environment (Protection) Rules, 1986 for the information of all persons likely to be affected thereby and notice is hereby given that the said draft notification will be taken into consideration after the expiry of sixty days from the date on which the Official Gazette in which the notification is published are made available to the public.

Any objections or suggestions which may be received from any person in respect of the said draft before the expiry of the said period will be taken into consideration by the Central Government.

Objections or suggestions may be forwarded to the Secretary to the Government of India, Ministry of Environment and Forests, Paryavaran Bhawan, CGO Complex, New Delhi-110003.

### Draft Notification

Whereas the substances specified in the Schedule annexed hereto are known to cause depletion of the ozone layer, thereby affecting human health and natural eco-system;

And whereas, the Central Government is of the opinion that capacities for manufacture of aerosol products, except metered dose inhalers used for medicinal purposes, containing substances specified in the said Schedule should be frozen at the existing level for the purpose of eventual elimination of use of such substances;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (2) of section 6 of the Environment (Protection) Act, 1986 (29 of 1986) read with rule 13 of the Environment (Protection) Rules, 1986, the Central Government hereby prohibits from the date of final publication of this notification setting up of fresh capacities for manufacturer of aerosol products, except metered dose inhalers used for medicinal purposes, containing substances specified in the afore-said Schedule.

The said prohibition shall apply to the whole of India.

### SCHEDULE

List of substances known to cause depletion of the ozone layer and used in manufacture of aerosol products.

S.No.	Name of substance	Chemical composition of substance
1. CFC-11	Trichlorofluoromethane	(CFC13)
2. CFC-12	Dichlorodifluoromethane	(CF2C12)
3. Carbon tetrahalide		CC14
4. HCFC-22	Chlorodifluoromethane	(CHF2C12)

[F. No. 16/14/95-OC]

VINOD VAISH, Addl. Secy.

सूचना और प्रसारण मंत्रालय

नई दिल्ली, 17 दिसम्बर, 1997

का.आ. 79.—चलचित्र (प्रमाणन) नियमावली, 1983 के नियम 7 तथा 8 के साथ पठित चलचित्र अधिनियम, 1952 (1952 का 37) की धारा 5 की उपधारा (1) द्वारा प्रदत्त शक्तियों का उपयोग करते हुए और इस मंत्रालय की दिनांक 14-7-95 एवं 29-8-95 की अधिसूचनाओं संख्या 809/3/93-एफ(सी) और दिनांक 11-4-97 एवं 23-4-97 की समसंख्यक अधिसूचनाओं के अनुक्रम में केन्द्रीय सरकार श्री जेम्स

डेविड बेंहुर द्वारा श्री जेम्स प्रफुल्ला कुमार, पूर्णिमा अपार्टमेंट्स, 5-9-1113, फ्लैट सं. 405, बी-ब्लॉक, गुनफाउंड्री हैदराबाद-500029, आन्ध्र प्रदेश को तत्काल प्रभाव से दो वर्ष की अवधि अथवा अगले आदेशों, जो भी पहले हो, तक के लिये केन्द्रीय फिल्म प्रमाणन बोर्ड के हैदराबाद सलाहकार पैनल के सदस्य के रूप में नियुक्त करती है।

[फा. संख्या 809/2/96-एफ(सी)]

आई.पी. मिश्रा, डेस्क अधिकारी

#### MINISTRY OF INFORMATION AND BROADCASTING

New Delhi, the 17th December, 1997

S.O. 79.—In exercise of the powers conferred by sub-section (1) of section 5 of the Cinematograph Act, 1952 (37 of 1952) read with rules 7 and 8 of the Cinematograph (Certification) Rules, 1983 and in continuation of this Ministry's notifications No. 809/3/93-F(C) dt. 14-7-95 and 29-8-95 and notifications of even number dt. 11-4-97 and 23-4-97, the Central Government is pleased to appoint ~~Shri James David Benhur~~, C/o Mr. James Prafulla Kumar, Pohnimara Apartments, 5-9-1113, Flat No. 405, B-Block, Gunfoundry, Hyderabad-500029, Andhra Pradesh as member of the Hyderabad Advisory Panel of the Central Board of Film Certification with immediate effect for a period of two years or until further orders, whichever is earlier.

[File No. 809/2/96-F (C)]

I. P. MISHRA, Desk Officer.

रसायन और उर्वरक मंत्रालय

(उर्वरक विभाग)

नई दिल्ली, 15 नवम्बर, 1997

का.आ. 80.—केन्द्रीय सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिये प्रयोग) नियम 1976 के

नियम 10 के उपनियम (4) के अनुसूचना में रसायन एवं उर्वरक मंत्रालय, उर्वरक विभाग के प्रशासनिक नियंत्रण में आने वाले निम्नलिखित कार्यालयों को, जिनके 80 प्रतिशत कर्मचारीवृन्द ने हिन्दी का कार्यसाधक ज्ञान प्राप्त किया है, अधिसूचित करती है:—

इंडियन फार्मर्स फर्टिलाइजर कोऑपरेटिव लिमिटेड, कांडला इकाई, गुजरात।

[सं. ई-11011/5/93-हिन्दी]

नरेंद्र कुमार अग्रवाल, प्रतिरिक्त औद्योगिक सलाहकार

#### MINISTRY OF CHEMICALS AND FERTILIZERS

(Département of Fertilizers)

New Delhi, the 15th November, 1997

S.O. 80.—In pursuance of Sub-rule (4) of the Rule 10 of the Official Language (Use for official purposes of the Union) Rules 1976 the Central Government hereby notifies the following office, under the Administrative Control of Ministry of Chemicals & Fertilizers, Département of Fertilizers, 80 per cent staff, who/which have acquired the working knowledge of Hindi.

INDIAN FARMERS FERTILIZER COOPERATIVE LIMITED, KANDLA UNIT, GUJARAT.

[No. E-11011/5/93-Hindi]

NARENDER KUMAR AGGARWAL, Addl. Ind. Adviser



## पेट्रोलियम और प्राकृतिक गैस मंत्रालय

नई दिल्ली, 31 दिसम्बर, 1997

का.आ. 81.— केन्द्रीय सरकार ने, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात उक्त अधिनियम कहा गया है) की धारा 3 की उपधारा (1) के अधीन जारी की गई भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का. आ. 1095, तारीख 27 मार्च, 1997 द्वारा पेट्रोलियम के परिवहन के लिए गुजरात राज्य में वडीनार से मध्यप्रदेश राज्य में बीना तक भारत ओमान रिफाइनरी लिमिटेड द्वारा पाइपलाइन बिछाने के प्रयोजनार्थ उक्त अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकारों के अर्जन के अपने आशय की घोषणा की थी;

और उक्त राजपत्रित अधिसूचना की प्रतियां जनता को तारीख 26 अप्रैल, 1997 को उपलब्ध करा दी गई थी;

और उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सक्षम प्राधिकारी ने केन्द्रीय सरकार को रिपोर्ट दे दी है;

और यह कि केन्द्रीय सरकार का उक्त रिपोर्ट पर विचार करने के पश्चात यह विनिश्चय किया है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार का अर्जन किया जाना चाहिए;

अतः, अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उप धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, पाइपलाइन बिछाने के लिए इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमि में उपयोग के अधिकार अर्जित करने की घोषणा करती है;

यह और कि केन्द्रीय सरकार, उक्त धारा की उप धारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निर्देश देती है कि उक्त भूमि में उपयोग का अधिकार, इस घोषणा के प्रकाशन की तारीख के केन्द्रीय सरकार में निहित होने की बजाए सभी विलग्नियों से रहित भारत ओमान रिफाइनरी लिमिटेड में निहित होगा।

## अनुसूची

तालुका: जामनगर		जिला: जामनगर	राज्य: गुजरात		
गांव का नाम	सर्वेक्षण सं./ खंड सं.		क्षेत्र हेक्टर	आरे	सेन्टीआरे
(1)	(2)		(3)	(4)	(5)
गागवा	60		0	32	96
	61		0	67	35
	62/2 पैकी		0	38	55
	71		0	52	80
	75		1	07	75
	76		0	01	90
	90 पैकी		0	30	90
	94/पैकी		0	09	88
	94/पैकी		0	16	50
	94/पैकी		0	18	60
	94/पैकी		0	68	27
	93 पैकी		0	23	40
मुंगणी	185 पैकी		0	20	60
	185 पैकी		0	13	00
	185 पैकी		0	31	20
	186/2 पैकी		0	19	80
	187		0	65	40
नानी खावडी	111/1		0	92	55
	110 पैकी		0	11	55
	114 पैकी		0	64	80
	120 पैकी		1	22	70
	10 पैकी		0	55	75
	9 पैकी		0	08	00
	9 पैकी		0	34	25
	20 पैकी		0	46	99
	19 पैकी		0	48	90
	19 पैकी		0	74	55
	17 पैकी		0	05	00
	24 पैकी		0	54	60
	134		0	22	60
मोटो खावडी	25 पैकी		0	03	57
	26 पैकी		0	17	70
	26 पैकी		0	18	60
	26 पैकी		0	16	65
	132 पैकी		0	08	70
	228		0	18	30
	229		0	02	02

(1)	(2)	(3)	(4)	(5)	(1)	(2)	(3)	(4)	(5)
	142	0	26	25		520	0	18	45
	143 पैकी	0	41	70		519 पैकी	0	37	89
	136/पैकी	0	54	90		518	0	07	48
	136/पैकी	0	49	80		521 पैकी	1	02	32
	299/1	0	32	70		515 पैकी	0	19	20
	300	0	16	05		578 पैकी	0	16	35
	301	0	21	90		579	0	11	85
	302 पैकी	0	10	65		580 पैकी	0	15	93
	321 पैकी	0	33	75		585 पैकी	0	06	28
	321 पैकी	0	30	00		585 पैकी	0	40	00
	322 पैकी	0	51	20		581	0	01	14
	324	0	23	74		584 पैकी	0	08	17
	337	0	25	59		600	0	12	90
	341 पैकी	0	00	86		601	0	23	36
	341 पैकी	0	49	00		64/1	0	31	43
	342 पैकी	0	36	00		598	0	47	48
	342 पैकी	0	52	50		3/2 पैकी	0	24	90
सापर	32 पैकी	0	36	52		4	0	08	85
	34 पैकी	0	25	50	वसइ	14 पैकी	0	38	10
	69 पैकी	0	01	35		14 पैकी	0	44	36
	74 पैकी	0	19	13		14 पैकी	0	43	34
	91/1	0	38	18		15/1	0	68	17
	91/2	0	52	95		17	0	40	20
	89 पैकी	0	28	73		25/1 पैकी	0	21	60
	86	0	44	50		25/2 पैकी	0	44	70
	85 पैकी	0	21	45		25/2 पैकी	0	27	00
	107	0	25	35		27 पैकी	0	52	95
	108	0	30	90		28/1	0	47	01
	112	0	23	55		28/2	0	58	26
	122	0	16	54		32 पैकी	0	04	05
	121	0	18	10		33 पैकी	0	34	76
आमरा	495	0	77	10		35 पैकी	1	11	45
	498 पैकी	0	71	55		37/1 पैकी	0	68	70
	499	0	30	21		37/2	0	43	38
	532	0	00	50		38/2 पैकी	0	00	68
	500	0	67	32		39/3 पैकी	0	27	65
	504 पैकी	0	02	31		39/3 पैकी	0	64	80
	501	0	23	55		39/2	0	35	25
	530 पैकी	0	01	93		39/1 पैकी	0	46	50
	502	0	28	43		40/2	0	33	68

(1)	(2)	(3)	(4)	(5)	(1)	(2)	(3)	(4)	(5)
रावलसर	2	0	21	33		72 पैकी	0	00	50
	3	0	25	37		74 पैकी	0	34	00
	57	0	32	40		74 पैकी	0	18	00
	59 पैकी	0	11	00		74 पैकी	0	22	50
	59 पैकी	0	25	60	जामनगर	1327 पैकी	0	48	38
	60	0	13	70		1327 पैकी	0	36	60
	68	0	06	60		1303 पैकी	0	30	23
	67	0	54	90		1303 पैकी	0	58	00
	66	0	02	40		1302 पैकी	0	00	10
	65	0	28	80		1200/2 पैकी	0	20	00
नाघेडी	1 पैकी	0	26	10		1211/2	0	12	08
	1 पैकी	0	35	00		1210	0	36	23
	1 पैकी	0	21	83		1208	0	54	95
	3	0	02	40		1209/1	0	41	25
	5 पैकी	0	20	00		1205	0	27	75
	5 पैकी	0	34	88		1115/1	0	17	10
	7 पैकी	0	11	70		1115/2 पैकी	0	27	00
	7 पैकी	0	11	70		1114	0	04	24
	7 पैकी	0	11	70		1113/1	0	78	36
	8	0	54	00		1124/1	0	23	70
	9	0	06	90		974	0	39	75
	11	0	18	30		980	0	45	60
	12 पैकी	0	81	42		981	0	38	63
	12 पैकी	0	30	49		1014	0	75	30
कनसुमरा	294	0	24	07		1015	0	63	22
	295 पैकी	0	20	00		1016	0	03	15
	295 पैकी	0	23	14		1017/ए	0	18	00
	298	0	13	68		787	0	18	70
	299	0	19	80		788/1	0	35	30
	10	0	37	35		754 पैकी	1	15	38
	6/3	0	35	10		753	0	09	07
	36	0	24	30		742	0	10	58
	38	0	62	12		741 पैकी	0	30	54
	39 पैकी	0	13	49		741 पैकी	0	35	00
	40/2	0	62	54		745 पैकी	0	69	60
	69 पैकी	0	54	75	मोरकंडा	218 पैकी	0	15	00
	63	0	02	70		218 पैकी	0	19	80
	68	0	25	05		217/1 पैकी	0	22	00
	67	0	26	40					
	66	0	25	80					
	73	0	52	20					

(1)	(2)	(3)	(4)	(5)	(1)	(2)	(3)	(4)	(5)
	217/2 पैकी	0	23	30		328 पैकी	0	21	75
	140	0	61	50		327 पैकी	0	18	00
	143/1 पैकी	0	18	60		327 पैकी	0	25	20
	143/2 पैकी	0	38	40		325	0	02	36
	143 पैकी	0	08	25		326 पैकी	0	40	75
	143 पैकी	0	20	40		326 पैकी	0	24	60
	157 पैकी	0	41	00		318 पैकी	0	59	40
	157 पैकी	0	24	10		317	0	46	80
	157 पैकी	0	27	00		400 पैकी	0	40	76
	192 पैकी	0	35	54		400 पैकी	0	71	00
	192 पैकी	0	32	70		285	0	04	25
	192 पैकी	0	17	80		287	0	37	37
	191/1	0	37	29		286	0	31	85
	191/2	0	53	00		282 पैकी	0	57	15
	165	0	01	35		259 पैकी	0	75	00
	170	0	01	84		259 पैकी	0	03	53
	185 पैकी	0	60	58		258/2/पैकी	0	56	63
	185 पैकी	0	42	20		260	0	16	88
	174/1 पैकी	0	57	01		257 पैकी	0	18	65
	179	0	21	45		257 पैकी	0	19	00
	180	0	84	00		256	0	45	45
डे बा	181/1 पैकी	0	38	30		211 पैकी	0	18	00
	181/1 पैकी	0	22	40		211 पैकी	0	18	40
	181/2	0	25	40		200	0	52	50
	180	0	73	80		199	0	58	50
	179 पैकी	0	30	00		182	1	00	65
	179 पैकी	0	24	90		186 पैकी	0	12	00
	178	0	48	90		186 पैकी	0	32	87
	108 पैकी	0	30	44		151 पैकी	0	14	55
	106 पैकी	0	47	86		151 पैकी	0	15	85
	84/2 पैकी	0	50	10		153	0	21	99
	84/2-पैकी	0	42	00		152	0	27	00
	83 पैकी	0	33	90		148 पैकी	0	20	00
मोटा थावरिया	335	0	19	20		148 पैकी	0	21	40
	336	0	36	45		144	0	44	10
	331 पैकी	0	27	30		143	0	13	65
	331 पैकी	0	16	20		142/1	0	28	15
	330 पैकी	0	31	20		142/2	0	29	00
	329	0	21	75					

(1)	(2)	(3)	(4)	(5)	(1)	(2)	(3)	(4)	(5)
अलीया	130	0	12	50		394/3 पैकी	0	29	20
वाडा						394/3 पैकी	0	27	30
	131 पैकी	0	55	92		401 पैकी	0	19	20
	132	0	26	96		402/1 पैकी	0	88	20
	127 पैकी	1	33	35	मोडा	452/1 पैकी	0	91	80
	134	0	22	35		453 पैकी	0	20	90
	125	0	03	27		453 पैकी	0	25	00
	143	0	01	75		454 पैकी	0	02	00
	144	0	02	03		454 पैकी	0	50	20
	142/1 पैकी	0	38	00		456 पैकी	0	40	35
	142/1 पैकी	0	27	92		473 पैकी	0	02	68
	146 पैकी	0	47	45		473 पैकी	0	40	00
	146 पैकी	0	07	00		474	0	09	15
	146 पैकी	0	21	00		472	0	46	95
	147 पैकी	0	14	03		471	0	33	30
	168 पैकी	0	54	60		490/1 पैकी	0	43	35
	165 पैकी	0	26	58		489 पैकी	0	58	50
	165 पैकी	0	27	00		489 पैकी	0	05	25
	166	0	53	50		482 पैकी	0	18	78
	163/1 पैकी	0	13	45		7	0	43	60
	163/1 पैकी	0	01	01		15/2	0	05	81
	193 पैकी	0	18	00		15/1 पैकी	0	15	00
	193 पैकी	0	19	04		15/1 पैकी	0	15	43
	164/2	0	00	93		511	0	08	80
	192 पैकी	0	23	78		86 पैकी	0	01	01
	192 पैकी	0	24	00		86 पैकी	0	05	49
	192 पैकी	0	24	00		86 पैकी	0	29	00
	206	0	15	15		86 पैकी	0	27	40
	259	0	91	88		86 पैकी	0	43	60
	284	0	66	38		92	0	53	40
	290	0	26	48		91	0	48	00
	297	0	10	05	लाखाणी	312	0	90	00
	291 पैकी	0	51	98	मोट वास				
	293 पैकी	0	21	00		316 पैकी	0	62	55
	293 पैकी	0	28	15		317 पैकी	0	44	40
	293 पैकी	0	20	00		317 पैकी	0	44	40
	394/2 पैकी	0	29	90		350	0	94	20
	394/2 पैकी	0	45	55		349 पैकी	0	26	42
	394/3	0	72	83		349 पैकी	0	27	00
	394/3 पैकी	0	32	52					

(1)	(2)	(3)	(4)	(5)	(1)	(2)	(3)	(4)	(5)
	368	0	00	45		195	0	00	75
	369	0	28	80		197	0	44	54
	370	0	16	20		201	0	58	20
	372	0	47	55		210	0	12	45
	373 पैकी	0	36	95		211	0	23	25
	373 पैकी	0	33	00		212	0	07	37
	392	0	18	26		214 पैकी	0	45	00
	391	0	00	30		214 पैकी	0	13	78
	390 पैकी	0	08	17		213/1	0	22	36
	393	0	11	16		216	0	47	34
	389	0	04	08		226	0	18	45
	446 पैकी	0	30	15		227	0	08	55
	446 पैकी	0	33	00		228	0	08	10
	447	0	55	20		230	0	13	80
	450	0	42	15		229	0	07	50
	449	0	23	50		232 पैकी	0	27	10
	431 पैकी	0	15	00		232 पैकी	0	36	80
	431 पैकी	0	15	00		233	0	00	17
	431 पैकी	0	15	00		264	0	34	21
	427	0	03	55		263	0	40	03
	428	0	23	22		262	0	72	85
	426	0	27	16		261 पैकी	0	08	86
	487 पैकी	0	36	00		261 पैकी	0	09	00
	487 पैकी	0	37	50		266	0	96	43
लाखाणी	443	0	40	62		खंभालीडा 300 पैकी	0	16	18
नानावास						300 पैकी	0	25	00
	10	0	14	53		299	0	08	57
	9	0	41	66		297	0	36	45
	172	0	18	30		296	0	34	65
	171	0	24	69		295	0	32	70
	173	0	00	27		268 पैकी	0	60	75
	170	0	13	90		267 पैकी	0	30	82
	169 पैकी	0	24	60		270	0	18	37
	180	0	12	00		266	0	03	60
	181 पैकी	0	40	65		271	0	46	43
	183	0	05	10		272 पैकी	0	51	90
	191/5	0	10	90					
	192	0	02	88					
	193	0	04	64					
	190 पैकी	0	35	18					
	194	0	02	40					

[फा. सं. आर- 31015/28/96--ओआर. II]

के. सी. कटोच, अवर सचिव

## Ministry of Petroleum and Natural Gas

New Delhi, the 31st December, 1997

S.O. 81.— Whereas by a notification of the Government of India in the Ministry of Petroleum and Natural Gas number S. O. 1095, dated, the 27th March 1997, issued under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), (hereinafter referred to as the said Act), the Central Government declared its intention to acquire the Right of User in the lands specified in the Schedule appended to that notification for the purpose of laying pipeline for transport of petroleum from Vadinar in the State of Gujarat to Bina in the State of Madhyapradesh, by the Bharat Oman Refineries Limited;

And whereas, copies of the said gazette notification were made available to the public on the 26th day of April, 1997;

And whereas, the competent authority has under sub-section (1) of section 6 of the said Act submitted report to the Central Government;

And, further, whereas, the Central Government has after considering the said report, decided to acquire the right of user in the lands specified in the Schedule appended to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the Schedule appended to this notification is hereby acquired for laying the pipelines;

And, further, in exercise of the powers conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in the Central Government, vest, on this date of the publication of this declaration in the Bharat Oman Refineries Limited; free from all encumbrances

## Schedule

Taluka : Jamnagar District : Jamnagar State: Gujarat				
Name of Village	Survey/Block No.	Area		
(1)	(2)	(3)	(4)	(5)
Gagwa	60	0	32	96
	61	0	67	35
	62/2 Paiki	0	38	55
	71	0	52	80
	75	1	07	75

	(1)	(2)	(3)	(4)	(5)
		76	0	01	90
		90 Paiki	0	30	90
		94/Paiki	0	09	88
		94/Paiki	0	16	50
		94/Paiki	0	18	60
		94/Paiki	0	68	27
		93 Paiki	0	23	40
Mungni		185 Paiki	0	20	60
		185 Paiki	0	13	00
		185 Paiki	0	31	20
		186/2 Paiki	0	19	80
		187	0	65	40
Nani Khavdi		111/1	0	92	55
		110 Paiki	0	11	55
		114 Paiki	0	64	80
		120 Paiki	1	22	70
		10 Paiki	0	55	75
		9 Paiki	0	08	00
		9 Paiki	0	34	25
		20 Paiki	0	46	99
		19 Paiki	0	48	90
		19 Paiki	0	74	55
		17 Paiki	0	05	00
		24 Paiki	0	54	60
		134	0	22	60
		25 Paiki	0	03	57
		26 Paiki	0	17	70
		26 Paiki	0	18	60
		26 Paiki	0	16	65
		132 Paiki	0	08	70
Moti Khavdi		228	0	18	30
		229	0	02	02
		142	0	26	25
		143 Paiki	0	41	70
		136/Paiki	0	54	90
		136/Paiki	0	49	80
		299/1	0	32	70

(1)	(2)	(3)	(4)	(5)	(1)	(2)	(3)	(4)	(5)
	300	0	16	05		521 Paiki	1	02	32
	301	0	21	90		515 Paiki	0	19	20
	302 Paiki	0	10	65		578 Paiki	0	16	35
	321 Paiki	0	33	75		579	0	11	85
	321 Paiki	0	30	00		580 Paiki	0	15	93
	322 Paiki	0	51	20		585 Paiki	0	06	28
	324	0	23	74		585 Paiki	0	40	00
	337	0	25	59		581	0	01	14
	341 Paiki	0	00	86		584 Paiki	0	08	17
	341 Paiki	0	49	00		600	0	12	90
	342 Paiki	0	36	00		601	0	23	36
	342 Paiki	0	52	50		64/1	0	31	43
Sapar	32 Paiki	0	36	52		598	0	47	48
	34 Paiki	0	25	50		3/2 Paiki	0	24	90
	69 Paiki	0	01	35		4	0	08	85
	74 Paiki	0	19	13	Vasai	14 Paiki	0	38	10
	91/1	0	38	18		14 Paiki	0	44	36
	91/2	0	52	95		14 Paiki	0	43	34
	89 Paiki	0	28	73		15/1	0	68	17
	86	0	44	50		17	0	40	20
	85 Paiki	0	21	45		25/1 Paiki	0	21	60
	107	0	25	35		25/2 Paiki	0	44	70
	108	0	30	90		25/2 Paiki	0	27	00
	112	0	23	55		27 Paiki	0	52	95
	122	0	16	54		28/1	0	47	01
	121	0	18	10		28/2	0	58	26
Amra	495	0	77	10		32 Paiki	0	04	05
	498 Paiki	0	71	55		33 Paiki	0	34	76
	499	0	30	21		35 Paiki	1	11	45
	532	0	00	50		37/1 Paiki	0	68	70
	500	0	67	32		37/2	0	43	38
	504 Paiki	0	02	31		38/2 Paiki	0	00	68
	501	0	23	55		39/3 Paiki	0	27	65
	530 Paiki	0	01	93		39/3 Paiki	0	64	80
	502	0	28	43		39/2	0	35	25
	520	0	18	45		39/1 Paiki	0	46	50
	519 Paiki	0	37	89		40/2	0	33	68
	518	0	07	48					



(1)	(2)	(3)	(4)	(5)	(1)	(2)	(3)	(4)	(5)
Rawalsar	2	0	21	33		40/2	0	62	54
	3	0	25	37		69 Paiki	0	54	75
	57	0	32	40		63	0	02	70
	59 Paiki	0	11	00		68	0	25	05
	59 Paiki	0	25	60		67	0	26	40
	60	0	13	70		66	0	25	80
	68	0	06	60		73	0	52	20
	67	0	54	90		72 Paiki	0	00	50
	66	0	02	40		74 Paiki	0	34	00
	65	0	28	80		74 Paiki	0	18	00
						74 Paiki	0	22	50
Naghedi	1 Paiki	0	26	10	Jamnagar	1327 Paiki	0	48	38
	1 Paiki	0	35	00		1327 Paiki	0	36	60
	1 Paiki	0	21	83		1303 Paiki	0	30	23
	3	0	02	40		1303 Paiki	0	58	00
	5 Paiki	0	20	00		1302 Paiki	0	00	10
	5 Paiki	0	34	88		1200/2 Paiki	0	20	00
	7 Paiki	0	11	70		1211/2	0	12	08
	7 Paiki	0	11	70		1210	0	36	23
	7 Paiki	0	11	70		1208	0	54	95
	8	0	54	00		1209/1	0	41	25
	9	0	06	90		1205	0	27	75
	11	0	18	30		1115/1	0	17	10
	12 Paiki	0	81	42		1115/2 Paiki	0	27	00
	12 Paiki	0	30	49		1114	0	04	24
Kansumara	294	0	24	07		1113/1	0	78	36
	295 Paiki	0	20	00		1124/1	0	23	70
	295 Paiki	0	23	14		974	0	39	75
	298	0	13	68		980	0	45	60
	299	0	19	80		981	0	38	63
	10	0	37	35		1014	0	75	30
	6/3	0	35	10		1015	0	63	22
	36	0	24	30		1016	0	03	15
	38	0	62	12		1017/A	0	18	00
	39 Paiki	0	13	49					

(1)	(2)	(3)	(4)	(5)	(1)	(2)	(3)	(4)	(5)
	787	0	18	70		181/2	0	25	40
	788/1	0	35	30		180	0	73	80
	754 Paiki	1	15	38		179Paiki	0	30	00
	753	0	09	07		179Paiki	0	24	90
	742	0	10	58		178	0	48	90
	741 Paiki	0	30	54		108 Paiki	0	30	44
	741 Paiki	0	35	00		106 Paiki	0	47	86
	745 Paiki	0	69	60		84/2-Paiki	0	50	10
Morkanda	218Paiki	0	15	00		84/2-Paiki	0	42	00
	218Paiki	0	19	80		83 Paiki	0	33	90
	217/1 Paiki	0	22	00	Mota	335	0	19	20
	217/2 Paiki	0	23	30	Thavaria	336	0	36	45
	140	0	61	50		331 Paiki	0	27	30
	143/1 Paiki	0	18	60		331 Paiki	0	16	20
	143/2 Paiki	0	38	40		330 Paiki	0	31	20
	143 Paiki	0	08	25		329	0	21	75
	143 Paiki	0	20	40		328 Paiki	0	21	75
	157 Paiki	0	41	00		327 Paiki	0	18	00
	157 Paiki	0	24	10		327 Paiki	0	25	20
	157 Paiki	0	27	00		325	0	02	36
	192 Paiki	0	35	54		326 Paiki	0	40	75
	192 Paiki	0	32	70		326 Paiki	0	24	60
	192 Paiki	0	17	80		318 Paiki	0	59	40
	191/1	0	37	29		317	0	46	80
	191/2	0	53	00		400 Paiki	0	40	76
	165	0	01	35		400 Paiki	0	71	00
	170	0	01	84		285	0	04	25
	185 Paiki	0	60	58		287	0	37	37
	185 Paiki	0	42	20		286	0	31	85
	174/1 Paiki	0	57	01		282 Paiki	0	57	15
	179	0	21	45		259 Paiki	0	75	00
	180	0	84	00		259 Paiki	0	03	53
Theba	181/1Paiki	0	38	30		258/2/Paiki	0	56	63
	181/1Paiki	0	22	40					

(1)	(2)	(3)	(4)	(5)	(1)	(2)	(3)	(4)	(5)
	260	0	16	88		192 Paiki	0	23	78
	257 Paiki	0	18	65		192 Paiki	0	24	00
	257 Paiki	0	19	00		192 Paiki	0	24	00
	256	0	45	45		206	0	15	15
	211 Paiki	0	18	00		259	0	91	88
	211 Paiki	0	18	40		284	0	66	38
	200	0	52	50		290	0	26	48
	199	0	58	50		297	0	10	05
	182	1	00	65		291 Paiki	0	51	98
	186 Paiki	0	12	00		293 Paiki	0	21	00
	186 Paiki	0	32	87		293 Paiki	0	28	15
	151 Paiki	0	14	55		293 Paiki	0	20	00
	151 Paiki	0	15	85		394/2 Paiki	0	29	90
	153	0	21	99		394/2 Paiki	0	45	55
	152	0	27	00		394/3	0	72	83
	148 Paiki	0	20	00		394/3 Paiki	0	32	52
	148 Paiki	0	21	40		394/3 Paiki	0	29	20
	144	0	44	10		394/3 Paiki	0	27	30
	143	0	13	65		401 Paiki	0	19	20
	142/1	0	28	15		402/1 Paiki	0	88	20
	142/2	0	29	00	Moda	452/1 Paiki	0	91	80
Alia Bada	130	0	12	50		453 Paiki	0	20	90
	131 Paiki	0	55	92		453 Paiki	0	25	00
	132	0	26	96		454 Paiki	0	02	00
	127 Paiki	1	33	35		454 Paiki	0	50	20
	134	0	22	35		456 Paiki	0	40	35
	125	0	03	27		473 Paiki	0	02	68
	143	0	01	75		473 Paiki	0	40	00
	144	0	02	03		474	0	09	15
	142/1 Paiki	0	38	00		472	0	46	95
	142/1 Paiki	0	27	92		471	0	33	30
	146 Paiki	0	47	45		490/1 Paiki	0	43	35
	146 Paiki	0	07	00		489 Paiki	0	58	50
	146 Paiki	0	21	00		489 Paiki	0	05	25
	147 Paiki	0	14	03		482 Paiki	0	18	78
	168 Paiki	0	54	60		7	0	43	60
	165 Paiki	0	26	58		15/2	0	05	81
	165 Paiki	0	27	00		15/1 Paiki	0	15	00
	166	0	53	50		15/1 Paiki	0	15	43
	163/1 Paiki	0	13	45		511	0	08	80
	163/1 Paiki	0	01	01		86 Paiki	0	01	01
	193 Paiki	0	18	00		86 Paiki	0	05	49
	193 Paiki	0	19	04		86 Paiki	0	29	00
	164/2	0	00	93		86 Paiki	0	27	40

(1)	(2)	(3)	(4)	(5)	(1)	(2)	(3)	(4)	(5)
Lakhani Motawas	86 Paiki	0	43	60		181 Paiki	0	40	65
	92	0	53	40		183	0	05	10
	91	0	48	00		191/5	0	10	90
	312	0	90	00		192	0	02	88
						193	0	04	64
	316 Paiki	0	62	55		190 Paiki	0	35	18
	317 Paiki	0	44	40		194	0	02	40
	317 Paiki	0	44	40		195	0	00	75
	350	0	94	20		197	0	44	54
	349 Paiki	0	26	42		201	0	58	20
	349 Paiki	0	27	00		210	0	12	45
	368	0	00	45		211	0	23	25
	369	0	28	80		212	0	07	37
	370	0	16	20		214 Paiki	0	45	00
	372	0	47	55		214 Paiki	0	13	78
	373 Paiki	0	36	95		213/1	0	22	36
	373 Paiki	0	33	00		216	0	47	34
	392	0	18	26		226	0	18	45
	391	0	00	30		227	0	08	55
	390 Paiki	0	08	17		228	0	08	10
	393	0	11	16		230	0	13	80
	389	0	04	08		229	0	07	50
	446 Paiki	0	30	15		232 Paiki	0	27	10
	446 Paiki	0	33	00		232 Paiki	0	36	80
	447	0	55	20		233	0	00	17
	450	0	42	15		264	0	34	21
	449	0	23	50		263	0	40	03
	431 Paiki	0	15	00		262	0	72	85
	431 Paiki	0	15	00		261 Paiki	0	08	86
	431 Paiki	0	15	00		261 Paiki	0	09	00
	427	0	03	55		266	0	96	43
	428	0	23	22	Khambhalida	300 Paiki	0	16	18
	426	0	27	16		300 Paiki	0	25	00
	487 Paiki	0	36	00		299	0	08	57
	487 Paiki	0	37	50		297	0	36	45
Lakhani Nanawas	443	0	40	62		296	0	34	65
	10	0	14	53		295	0	32	70
	9	0	41	66		268 Paiki	0	60	75
	172	0	18	30		267 Paiki	0	30	82
	171	0	24	69		270	0	18	37
	173	0	00	27		266	0	03	60
	170	0	13	90		271	0	46	43
	169 Paiki	0	24	60		272 Paiki	0	51	90
	180	0	12	00					

[File No. R-31015/28/96-OR.II]

K. C. Katoch, Under Secy.

नई दिल्ली, 1 जनवरी, 1998

का.आ. 82.— केन्द्रीय सरकार ने, पेट्रोलियम और खनिज पाईप-लाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात उक्त अधिनियम कहा गया है) की धारा 3 की उपधारा (1) के अधीन तारीख 2 अगस्त, 1997 को भारत के राजपत्र में प्रकाशित भारत सरकार के पेट्रोलियम और प्रकृतिक गैस मंत्रालय की अधिसूचना संख्या का. आ. 1892, तारीख 29 जुलाई, 1997 द्वारा पेट्रोलियम के परिवहन के लिए पाइप लाइन बिछाने के प्रयोजनार्थ उक्त अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकारों के अर्जन के अपने आशय की घोषणा की थी;

और उक्त राजपत्रित अधिसूचना की प्रतियाँ जनता को तारीख 16 अगस्त, 1997 को उपलब्ध करा दी गई थीं;

और उक्त अधिनियम की धारा 6 की उपधारा (1) के अनुसरण में सक्षम प्राधिकारी ने केन्द्रीय सरकार को रिपोर्ट दे दी है;

और केन्द्रीय सरकार का, उक्त रिपोर्ट पर विचार करने के पश्चात, यह समाधान हो गया है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अतः अब उक्त अधिनियम की धारा 6 की उपधारा (1) में प्रदत्त शक्तियों का प्रयोग करते हुए भारत सरकार घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार एतद्वारा अर्जित किया जाता है।

यह और कि केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निर्देश देती है कि उक्त भूमि में उपयोग का अधिकार, केन्द्रीय सरकार में निहित होने की बजाय सभी विल्लंगमों से मुक्त होकर भारत ओमान रीफायनरीज़ लिमिटेड में निहित होगा।

### अनुसूची

तहसील : बडनगर	जिला : उज्जैन	राज्य : मध्यप्रदेश
गाँव का नाम	सर्वे क्रमांक	क्षेत्रफल हेक्टेयर/आरे
(1)	(2)	(3)
सुंदराबाद	93	0.250
	93\796	0.020
	118	0.150

(1)	(2)	(3)
	119	0.130
	120	0.140
	121	0.100
	122	0.170
	124	0.090
	125	0.210
	134	0.020
	135	0.220
	136	0.030
	172	0.150
	173	0.120
	186	0.400
	187	0.010
	189	0.280
	190	0.070
	191	0.460
	193	0.120
	194	0.080
	205	0.010
	206	0.140
	292	0.010
	293	0.020
	294	0.310
	296	0.100
	297	0.260
	299	0.230
	329	0.480
	331	0.760
	332	0.080
	350	0.080
	351	0.100
	353	0.400
	354	0.020
	355	0.350
	356	0.230
	357	0.050
	428	0.010
	429	0.180
	430	0.240
	432	0.480
	433	0.460
	438	0.010
	538	0.030
बांलोदालाखा	1072	0.180
	1073	0.020
	1092	0.360
	1093	0.110
	1100	0.820
	1116	0.720
	1236	0.710

(1)	(2)	(3)	(1)	(2)	(3)
	1243	0.090		785	0.160
	1244	0.190		786	0.570
	1245	0.250		787	0.190
	1246	0.020		788	0.090
	1247	0.040		821	0.380
	1255	0.270		822	0.210
	1256	0.010		823	0.170
	1257	0.720		824	0.030
	1281	0.490		825	0.420
	1282	0.070		827	0.500
	1285	0.260		828	0.040
	1292	0.170	मिहका	2	0.150
	1293	0.020		3	0.500
	1294	0.380		21	0.150
जलोदसंजर	10	0.200		23	0.580
	11	0.130		24	0.550
	13	0.670		25	0.080
	14	0.370		26	0.070
	20	0.050		27	0.230
	21	0.150		28	0.010
	22	0.190	कमानपुर	14	0.110
	69	0.270		15	0.120
	74	0.020		16	0.120
	75	0.250		17	0.750
	76	0.490		19	0.050
	77	0.820		21	0.230
	367	0.120		22	0.010
अजडाबदा	371	0.200		47	0.420
	380	0.030		52	0.010
	381	0.050		53	0.120
	382	0.300		56	0.210
	383	0.230		60	0.160
	406	0.410		61	0.720
	407	0.430		66	0.250
	408	0.100		67	0.260
	418	0.020		71	0.130
	419	0.370		72	0.170
	420	0.450		73	0.320
	421	0.250		74	0.120
	424	0.020		111	0.010
	431	0.060		174	0.040
	437	0.220		175	0.470
	441	0.480		176	0.200
	442	0.010		177	0.330
	444	0.490		197	0.100
	768	0.340		198	0.480
	769	0.180		214	0.540
	782	0.010		215	0.380
	783	0.010	कल्याणपुरा	75	0.250

(1)	(2)	(3)	(1)	(2)	(3)
	77	0.450		83/189	0.260
	78	0.300		84	0.440
	82	0.120		85	0.460
	83	0.330		87	0.060
	86	0.560	मुंढट	35	0.450
	87	0.320		36	0.500
	88	0.160		37	0.360
	89	0.240		40	0.700
	90	0.050		87	0.120
	95	0.070		103	0.290
	97	0.200		104	0.040
	98	0.170		105	0.010
	135	0.010		106	0.220
	188	0.040		107	0.110
	191	0.190		126	0.130
	314	0.010		134	0.130
	317	0.590		135	0.220
	318	0.320		136	0.010
	319	0.130		203	0.100
	327	0.290		204	0.290
	333	0.370		205	0.200
	334	0.090		206	0.030
	335	0.020		225	0.020
	336	0.020		226	0.070
	337	0.010		227	0.320
उड़सिंगा	124	0.200		228	0.280
	126	0.130		229	0.350
	128	0.350		232	0.100
	129	0.090		248	0.110
	131	0.030		249	0.260
	132	0.240		251	0.180
	133	0.030		251/338	0.170
	148	0.540		252	0.090
	445	0.200		258	0.430
	447	0.290		259	0.100
	454	0.100	बालोदाहसन	238	0.050
	455	0.010		239/250	0.400
	472	0.710		239	0.310
	476	0.120		246	0.110
	477	0.010	हरनाबदा	28	0.080
	480	0.240		46	0.050
	481	0.150		47	0.410
	482	0.010		59	0.060
	506	0.500		60	0.010
	508	0.400		61	0.260
	509	0.180		62	0.300
	513	0.010		66	0.360
खेड़नारायण	68	0.110		67	0.520
	78	0.650		70	0.090

(1)	(2)	(3)	(1)	(2)	(3)
	71	0.580		166	0.350
	72	0.010		167	0.430
	78	0.070		169	0.130
	79	0.200		170	0.140
	86	0.060		171	0.020
	87	0.250		172	0.190
	88	0.010		180	0.470
	91	0.070		182	0.010
	92	0.190		183	0.040
	93	0.180		184	0.270
	198	0.270		185	0.360
	211	0.200		188	0.270
	212	0.140		189	0.090
	214	0.030		208	0.070
	215	0.110		287	0.100
	216	0.110		384	0.070
	217	0.150		385	0.160
	218	0.080		386	0.340
	219	0.180		397	0.290
	220	0.220		398	0.180
	226	0.010		399	0.030
	229	0.200		400	0.060
	230	0.260		402	0.210
	231	0.110		403	0.110
	233	0.040		404	0.130
कुनालजा	568	0.140		405	0.060
	576	0.010		409	0.330
	577	0.310		410	0.010
	578	0.350		411	0.400
	579	0.150		412	0.050
	582	0.220		413	0.100
	583	0.260		424	0.090
	614	0.270		425	0.170
	617	0.110		427	0.410
	618	0.130		428	0.040
	622	0.510		449	0.200
	623	0.640		453	0.280
	624	0.170		454	0.260
मुरारखेडी	6	0.400		456	0.210
	7	0.140		457	0.030
	19	0.010	महुडीआलम	19	0.140
	20	0.210		21	0.200
	21	0.250		22	0.010
	22	0.270		24	0.270
	23	0.040		25	0.210
मालपुरा	165	0.090			



(1)	(2)	(3)	(1)	(2)	(3)
	26	0.490		621	0.410
	27	0.400		622	0.030
	28	0.390		651	0.410
	29	0.020		652	0.050
	48	0.010		653	0.030
	49	0.280		657	0.070
	50	0.310		658	1.150
	52	0.250		659	0.120
	53	0.190	सुवासा	40	0.390
	54	0.180		41	0.380
	55	0.080		42	0.340
	56	0.040		43	0.330
	107	0.130		44	0.210
	109	0.160		45	0.010
	113	0.280		79	0.220
	114	0.130		80	0.140
मकड़ान	102	0.140		81	0.040
	195	0.030		115	0.340
	196	0.330		125	0.520
	197	0.560		129	0.400
	198	0.490		130	0.050
	208	0.200		372	0.010
	210	0.280		373	0.270
	211	0.270		375	0.080
	213	0.230		376	0.080
	214	0.060		377	0.010
	223	0.220		378	0.470
	224	0.130		379	0.230
	225	0.040		380	0.180
	254	0.400		396	0.190
	260	0.170		397	0.280
	261	0.360		398	0.010
	262	0.320		401	0.180
	263	0.230		402	0.240
	267	0.290		403	0.180
	271	0.090		404	0.270
	272	0.330		405	0.040
	273	0.300		406/1	0.020
	288	0.120		406/2	0.420
	289	0.430		413	0.290
	290	0.840			
	306	0.410			
	307	0.060			
	560	0.350			
	620	0.750			

[ सं. आर-31015/16/9,—ओआर, II ]

के. सी. कटोच, अवर सचिव

**Schedule**

New Delhi, the 1st January, 1998

**Tehsil : Badnagar Dist : Ujjain State : Madhya Pradesh**

S.O. 82.— Whereas by the notification of the Government of India in the Ministry of Petroleum and Natural Gas No.S.O. 1892 dated 29th day of July, 1997, issued under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Rights of User in land) Act, 1962 (50 of 1962), (hereinafter referred to as the said Act), published in the Gazette of India dated 2nd day of August, 1997 the Central Government declared its intention to acquire the right of user in the lands specified in the Schedule appended to that notification for the purpose of laying pipelines for the transport of petroleum.

And whereas the copies of the said gazette notification were made available to the public on Sixteenth day of August, 1997,

And whereas, the competent authority in pursuance of sub-section (1) of section 6 of the said Act has made his report to the Central Government.

And whereas, the central Government after considering the said report is satisfied that the right of user in the land specified in the Schedule appended to this notification should be acquired.

Now, therefore, in exercise of the powers conferred by sub-section (1) of the section 6 of the said Act, the Central Government hereby declares that the rights of user in lands specified in the Schedule appended to this notification are hereby acquired.

And further in exercise of the powers conferred by sub-section (4) of Section 6 of the said Act, the Central Government hereby directs that the right of user in the said lands shall instead of vesting in the Central Government, vest free from all encumbrances, in Bharat Oman Refineries Ltd.

Name of village	Survey no	Area
		Hectare/Are
(1)	(2)	(3)
Sunderabad	93	0.250
	93\796	0.020
	118	0.150
	119	0.130
	120	0.140
	121	0.100
	122	0.170
	124	0.090
	125	0.210
	134	0.020
	135	0.220
	136	0.030
	172	0.150
	173	0.120
	186	0.400
	187	0.010
	189	0.280
	190	0.070
	191	0.460
	193	0.120
	194	0.080
	205	0.010
	206	0.140
	292	0.010
	293	0.020
	294	0.310
	296	0.100
	297	0.260
	299	0.230
	329	0.480
	331	0.760
	332	0.080
	350	0.080
	351	0.100
	353	0.400
	354	0.020
	355	0.350
	356	0.230
	357	0.050
	428	0.010
	429	0.180
	430	0.240

(1)	(2)	(3)	(1)	(2)	(3)
	432	0.480		421	0.250
	433	0.460		424	0.020
	438	0.010		431	0.060
	538	0.030		437	0.220
Balodalakha	1072	0.180		441	0.480
	1073	0.020		442	0.010
	1092	0.360		444	0.490
	1093	0.110		768	0.340
	1100	0.820		769	0.180
	1116	0.720		782	0.010
	1236	0.710		783	0.010
	1243	0.090		785	0.160
	1244	0.190		786	0.570
	1245	0.250		787	0.190
	1246	0.020		788	0.090
	1247	0.040		821	0.380
	1255	0.270		822	0.210
	1256	0.010		823	0.170
	1257	0.720		824	0.030
	1281	0.490		825	0.420
	1282	0.070		827	0.500
	1285	0.260		828	0.040
	1292	0.170	Mindka	2	0.150
	1293	0.020		3	0.500
	1294	0.380		21	0.150
Jalodsanjar	10	0.200		23	0.580
	11	0.130		24	0.550
	13	0.670		25	0.080
	14	0.370		26	0.070
	20	0.050		27	0.230
	21	0.150		28	0.010
	22	0.190	Kamanpura	14	0.110
	69	0.270		15	0.120
	74	0.020		16	0.120
	75	0.250		17	0.750
	76	0.490		19	0.050
	77	0.820		21	0.230
	367	0.120		22	0.010
Ajdawada	371	0.200		47	0.420
	380	0.030		52	0.010
	381	0.050		53	0.120
	382	0.300		56	0.210
	383	0.230		60	0.160
	406	0.410		61	0.720
	407	0.430		66	0.250
	408	0.100		67	0.260
	418	0.020		71	0.130
	419	0.370		72	0.170
	420	0.450		73	0.320

(1)	(2)	(3)	(1)	(2)	(3)
	74	0.120		476	0.120
	111	0.010		477	0.010
	174	0.040		480	0.240
	175	0.470		481	0.150
	176	0.200		482	0.010
	177	0.330		506	0.500
	197	0.100		508	0.400
	198	0.480		509	0.180
	214	0.540		513	0.010
	215	0.380	Kheda Narayan	68	0.110
Kalyanpura	75	0.250		78	0.650
	77	0.450		83/189	0.260
	78	0.300		84	0.440
	82	0.120		85	0.460
	83	0.330		87	0.060
	86	0.560	Mundat	35	0.450
	87	0.320		36	0.500
	88	0.160		37	0.360
	89	0.240		40	0.700
	90	0.050		87	0.120
	95	0.070		103	0.290
	97	0.200		104	0.040
	98	0.170		105	0.010
	135	0.010		106	0.220
	188	0.040		107	0.110
	191	0.190		126	0.130
	314	0.010		134	0.130
	317	0.590		135	0.220
	318	0.320		136	0.010
	319	0.130		203	0.100
	327	0.290		204	0.290
	333	0.370		205	0.200
	334	0.090		206	0.030
	335	0.020		225	0.020
	336	0.020		226	0.070
	337	0.010		227	0.320
Udsinga	124	0.200		228	0.280
	126	0.130		229	0.350
	128	0.350		232	0.100
	129	0.090		248	0.110
	131	0.030		249	0.260
	132	0.240		251	0.180
	133	0.030		251/338	0.170
	148	0.540		252	0.090
	445	0.200		258	0.430
	447	0.290		259	0.100
	454	0.100	Balodahasan	238	0.050
	455	0.010		239/250	0.400
	472	0.710		239	0.310

(1)	(2)	(3)	(1)	(2)	(3)
	246	0.110	Murarkhedi	6	0.400
Harnawada	28	0.080		7	0.140
	46	0.050		19	0.010
	47	0.410		20	0.210
	59	0.060		21	0.250
	60	0.010		22	0.270
	61	0.260		23	0.040
	62	0.300	Malpura	165	0.090
	66	0.360		166	0.350
	67	0.520		167	0.430
	70	0.090		169	0.130
	71	0.580		170	0.140
	72	0.010		171	0.020
	78	0.070		172	0.190
	79	0.200		180	0.470
	86	0.060		182	0.010
	87	0.250		183	0.040
	88	0.010		184	0.270
	91	0.070		185	0.360
	92	0.190		188	0.270
	93	0.180		189	0.090
	198	0.270		208	0.070
	211	0.200		287	0.100
	212	0.140		384	0.070
	214	0.030		385	0.160
	215	0.110		386	0.340
	216	0.110		397	0.290
	217	0.150		398	0.180
	218	0.080		399	0.030
	219	0.180		400	0.060
	220	0.220		402	0.210
	226	0.010		403	0.110
	229	0.200		404	0.130
	230	0.260		405	0.060
	231	0.110		409	0.330
	233	0.040		410	0.010
Dunalja	568	0.140		411	0.400
	576	0.010		412	0.050
	577	0.310		413	0.100
	578	0.350		424	0.090
	579	0.150		425	0.170
	582	0.220		427	0.410
	583	0.260		428	0.040
	614	0.270		453	0.280
	617	0.110		454	0.260
	618	0.130		456	0.210
	622	0.510		457	0.030
	623	0.640	Mahudialam	19	0.140
	624	0.170			

(1)	(2)	(3)	(1)	(2)	(3)
	21	0.200		306	0.410
	22	0.010		307	0.060
	24	0.270		560	0.350
	25	0.210		620	0.750
	26	0.490		621	0.410
	27	0.400		622	0.030
	28	0.390		651	0.410
	29	0.020		652	0.050
	48	0.010		653	0.030
	49	0.280		657	0.070
	50	0.310		658	1.150
	52	0.250		659	0.120
	53	0.190	Suvasa	40	0.390
	54	0.180		41	0.380
	55	0.080		42	0.340
	56	0.040		43	0.330
	107	0.130		44	0.210
	109	0.160		45	0.010
	113	0.280		79	0.220
	114	0.130		80	0.140
	102	0.140		81	0.040
Makadawan	195	0.030		115	0.340
	196	0.330		125	0.520
	197	0.560		129	0.400
	198	0.490		130	0.050
	208	0.200		372	0.010
	210	0.280		373	0.270
	211	0.270		375	0.080
	213	0.230		376	0.080
	214	0.060		377	0.010
	223	0.220		378	0.470
	224	0.130		379	0.230
	225	0.040		380	0.180
	254	0.400		396	0.190
	260	0.170		397	0.280
	261	0.360		398	0.010
	262	0.320		401	0.180
	263	0.230		402	0.240
	267	0.290		403	0.180
	271	0.090		404	0.270
	272	0.330		405	0.040
	273	0.300		406/1	0.020
	288	0.120		406/2	0.420
	289	0.430		413	0.290
	290	0.840			

[ No. R-31015/16/97-OR. II ]

K. C. Katoch, Under Secy.

## अन्तरिक्ष विभाग

नई दिल्ली, 23 दिसम्बर, 1997

का.आ. 83.—राष्ट्रपति, संविधान के अनुच्छेद 309 के परन्तुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, अन्तरिक्ष विभाग कर्मचारी (वर्गीकरण, नियंत्रण और अपील) नियम, 1976 में और संशोधन करने के लिए निम्नलिखित नियम बनाते हैं, अर्थात् :-

1. (1) इन नियमों का संक्षिप्त नाम अन्तरिक्ष विभाग कर्मचारी (वर्गीकरण, नियंत्रण और अपील) (संशोधन) नियम, 1997 है।

(2) ये सरकारी राजपत्र में उनके प्रकाशन से तिथि से प्रवृत्त होंगे।

2. अन्तरिक्ष विभाग के कर्मचारी (वर्गीकरण, नियंत्रण, अपील) नियम 1976 में अनुसूची के स्थान पर निम्नलिखित अनुसूची होगी, अर्थात् :-

अनुसूची

(नियम 6, 9 (2) और 21 (2) को देखिए)

पद का विवरण	नियुक्ति प्राधिकारी	शास्तियां अधिरोपित करने के लिए सक्षम प्राधिकारी तथा शास्तियां, जो उसके द्वारा अधिरोपित की जा सकती है (नियम 8 के संदर्भ में)		अपील प्राधिकारी
		प्राधिकारी	शपुस्ति	
1	2	3	4	5
<u>अन्तरिक्ष विभाग (अं.वि) सचिवालय</u>				
समूह 'ख'	संयुक्त सचिव	संयुक्त सचिव	सभी	सचिव
		उप सचिव/ निदेशक	(i) से (iv)	संयुक्त सचिव
समूह 'ग'	उप सचिव/निदेशक ; यदि उप सचिव न हो तो /निदेशक, संयुक्त सचिव	उप सचिव/निदेशक ; यदि उप सचिव न हो तो /निदेशक, संयुक्त सचिव	सभी	संयुक्त सचिव, यदि निदेशक/उप सचिव नियुक्ति प्राधिकारी हो तो और सचिव,

1	2	3	4	5
				यदि संयुक्त सचिव नियुक्ति प्राधिकारी हो तो
		अवर सचिव	(i) से (iv)	संयुक्त सचिव, यदि निदेशक/उप सचिव नियुक्ति प्राधिकारी हो तो और सचिव, यदि संयुक्त सचिव नियुक्ति प्राधिकारी हो तो
समूह 'घ'	अवर सचिव	अवर सचिव	सभी	उप सचिव/निदेशक ; यदि कोई उप सचिव/ निदेशक नहीं है तो संयुक्त सचिव
<u>अन्तरिक्ष विभाग (लेखा) बेंगलूर</u>				
समूह 'ख'	मुख्य लेखा नियंत्रक	मुख्य लेखा नियंत्रक	सभी	अपर सचिव, अन्तरिक्ष विभाग
समूह 'ग'	मुख्य लेखा नियंत्रक	मुख्य लेखा नियंत्रक	सभी	अपर सचिव, अन्तरिक्ष विभाग
		वेतन और लेखा अधिकारी	(i) से (iv)	मुख्य लेखा नियंत्रक
समूह 'घ'	वेतन और लेखा अधिकारी	वेतन और लेखा अधिकारी	सभी	मुख्य लेखा नियंत्रक
<u>अन्तरिक्ष विभाग क्रय अनुभाग</u>				
समूह 'ख'	निदेशक (क्रय प्रभाग)	निदेशक (क्रय प्रभाग)	सभी	सचिव अन्तरिक्ष विभाग
		उप सचिव/ निदेशक, अन्तरिक्ष विभाग	(i) से (iv)	निदेशक (क्रय प्रभाग)



1	2	3	4	5
समूह 'ग'	उप सचिव/ निदेशक, अन्तरिक्ष विभाग	उप सचिव/ निदेशक, अन्तरिक्ष विभाग	सभी	निदेशक (क्रय प्रभाग)
		वरिष्ठ क्रय आधिकारी, (i) से (iv) और यदि वरिष्ठ क्रय अधिकारी नहीं है तो, क्रय अधिकारी-॥		उप सचिव/ निदेशक, अन्तरिक्ष विभाग
समूह 'घ'	वरिष्ठ क्रय अधिकारी, और यदि वरिष्ठ क्रय अधिकारी नहीं हो तो, क्रय अधिकारी-॥	वरिष्ठ क्रय अधिकारी, और यदि वरिष्ठ क्रय अधिकारी नहीं हो तो, क्रय अधिकारी-॥	सभी	उप सचिव/ निदेशक, अन्तरिक्ष विभाग
समूह 'ख'	<u>सिविल इंजीनियरिंग प्रभाग</u>			
(i) तकनीकी पद	मुख्य इंजीनियर	मुख्य इंजीनियर	सभी	सचिव, अन्तरिक्ष विभाग
		अपर मुख्य इंजीनियर	(i) से (iv)	मुख्य इंजीनियर
(ii) प्रशासन एवं अन्य पद	मुख्य इंजीनियर	मुख्य इंजीनियर	सभी	सचिव, अन्तरिक्ष विभाग
		अपर मुख्य इंजीनियर	(i) से (iv)	मुख्य इंजीनियर
समूह 'ग'	अपर मुख्य इंजीनियर/ निर्माण इंजीनियर/ * इंजीनियर एस.एफ/ एस.जी	अपर मुख्य इंजीनियर/ निर्माण इंजीनियर/ * इंजीनियर एस.एफ/ एस.जी	सभी	मुख्य इंजीनियर

1	2	3	4	5
		प्रशासन अधिकारी-॥/ इंजीनियर एस.ई	(i) से (iv)	अपर मुख्य इंजीनियर/निर्माण इंजीनियर/ * इंजीनियर एस.एफ/ एस.जी
समूह 'घ'	प्रशासन अधिकारी-॥/ *इंजीनियर एस.ई *	प्रशासन अधिकारी-॥/ *इंजीनियर एस.ई	सभी	अपर मुख्य इंजीनियर/निर्माण इंजीनियर/ * इंजीनियर एस.एफ/एस.जी
<p>*सिविल इंजीनियरिंग प्रभाग मुख्यालय के संबंध में, सबसे वरिष्ठ इंजीनियर एस.ई अथवा एस.एफ अथवा एस.जी, जैसा भी मामला हो, और सिविल इंजीनियर प्रभाग के यूनिटों के संबंध में निर्माण इंजीनियर अथवा केन्द्र के प्रधान।</p> <p>भारतीय अन्तरिक्ष अनुसंधान संगठन (इसरो) मुख्यालय (इसरो संपर्क सेल, मुम्बई; राष्ट्रीय प्राकृतिक संसाधन प्रबन्धन प्रणाली (एनएनआरएमएस) - प्रादेशिक सुदूर संवेदन सेवा केन्द्र - केन्द्रीय प्रबन्धन कार्यालय; प्रादेशिक सुदूर संवेदन सेवा केन्द्र सहित)</p>				
समूह 'ख'				
(i) वैज्ञानिक एवं तकनीकी पद	वैज्ञानिक सचिव	वैज्ञानिक सचिव	सभी	अध्यक्ष
(ii) प्रशासन और अन्य पद	वैज्ञानिक सचिव	वैज्ञानिक सचिव	सभी	अध्यक्ष
		प्रधान, कार्मिक एवं सामान्य प्रशासन	(i) से (iv)	वैज्ञानिक सचिव
समूह 'ग'	प्रधान, कार्मिक एवं सामान्य प्रशासन	प्रधान, कार्मिक एवं सामान्य प्रशासन	सभी	वैज्ञानिक सचिव

1	2	3	4	5
		प्रशासन अधिकारी-॥	(i) से (iv)	प्रधान, कार्मिक एवं सामान्य प्रशासन
समूह 'घ'	प्रशासन अधिकारी-॥	प्रशासन अधिकारी-॥	सभी	प्रधान, कार्मिक एवं सामान्य प्रशासन
		<u>इसरो संपर्क सेल, नई दिल्ली</u>		
समूह 'ख'	वैज्ञानिक सचिव	वैज्ञानिक सचिव	सभी	अध्यक्ष
		विशेष कार्य अधिकारी	(i) से (iv)	वैज्ञानिक सचिव
समूह 'ग'	विशेष कार्य अधिकारी	विशेष कार्य अधिकारी	सभी	वैज्ञानिक सचिव
समूह 'घ'	विशेष कार्य अधिकारी	विशेष कार्य अधिकारी	सभी	वैज्ञानिक सचिव
		विक्रम सारभाई अन्तरिक्ष केन्द्र (वीएसएससी) (उसके नियंत्रणाधीन सभी केन्द्र/यूनिटों सहित)		
		-----		
समूह 'ख'				
(i) वैज्ञानिक एवं तकनीकी पद	निदेशक	निदेशक	सभी	अध्यक्ष
		सह निदेशक/ नियंत्रक	(i) से (iv)	निदेशक
(ii) प्रशासन और अन्य पद	नियंत्रक	नियंत्रक	सभी	निदेशक
		प्रधान, कार्मिक एवं सामान्य प्रशासन	(i) से (iv)	नियंत्रक
समूह 'ग'	प्रधान, कार्मिक एवं सामान्य प्रशासन	प्रधान, कार्मिक एवं सामान्य प्रशासन	सभी	नियंत्रक

1	2	3	4	5
		प्रशासन अधिकारी-॥	(i) से (iv)	प्रधान, कार्मिक एवं सामान्य प्रशासन
समूह 'घ'	प्रशासन अधिकारी-॥	प्रशासन अधिकारी-॥	सभी	प्रधान, कार्मिक एवं सामान्य प्रशासन
<u>श्रीहरिकोटा (शार) केन्द्र</u>				
समूह 'ख'				
(i) वैज्ञानिक एवं तकनीकी पद	निदेशक	निदेशक	सभी	अध्यक्ष
		सह निदेशक/ नियंत्रक	(i) से (iv)	निदेशक
(ii) प्रशासन एवं अन्य पद	नियंत्रक	नियंत्रक	सभी	निदेशक
		प्रधान, कार्मिक एवं सामान्य प्रशासन	(i) से (iv)	नियंत्रक
समूह 'ग'	प्रधान, कार्मिक एवं सामान्य प्रशासन	प्रधान, कार्मिक एवं सामान्य प्रशासन	सभी	नियंत्रक
		प्रशासन अधिकारी-॥	(i) से (iv)	प्रधान, कार्मिक एवं सामान्य प्रशासन
समूह 'घ'	प्रशासन अधिकारी-॥	प्रशासन अधिकारी-॥	सभी	प्रधान, कार्मिक एवं सामान्य प्रशासन

1	2	3	4	5
<u>इसरो दूरमिति अनुवर्तन तथा आदेश संचार जाल</u>				
समूह 'ख'				
(i) वैज्ञानिक एवं तकनीकी पद	निदेशक	निदेशक	सभी	अध्यक्ष
(ii) प्रशासन एवं अन्य पद	निदेशक	निदेशक	सभी	अध्यक्ष
		प्रधान, कार्मिक एवं सामान्य प्रशासन	(i) से (iv)	निदेशक
समूह 'ग'	प्रधान, कार्मिक एवं सामान्य प्रशासन	प्रधान, कार्मिक एवं सामान्य प्रशासन	सभी	निदेशक
		प्रशासन अधिकारी-॥	(i) से (iv)	प्रधान, कार्मिक एवं सामान्य प्रशासन
समूह 'घ'	प्रशासन अधिकारी-॥	प्रशासन अधिकारी-॥	सभी	प्रधान, कार्मिक एवं सामान्य प्रशासन

अन्तरिक्ष उपयोग केन्द्र

## समूह 'ख'

(i) वैज्ञानिक एवं तकनीकी पद	निदेशक	निदेशक	सभी	अध्यक्ष
		सह निदेशक/नियंत्रक	(i) से (iv)	निदेशक

1	2	3	4	5
(ii) प्रशासन एवं अन्य पद	नियंत्रक	नियंत्रक	सभी	निदेशक
		प्रधान, कार्मिक एवं सामान्य प्रशासन	(i) से (iv)	नियंत्रक
समूह 'ग'	प्रधान, कार्मिक एवं सामान्य प्रशासन	प्रधान, कार्मिक एवं सामान्य प्रशासन	सभी	नियंत्रक
		प्रशासन अधिकारी-॥	(i) से (iv)	प्रधान, कार्मिक एवं सामान्य प्रशासन
समूह 'घ'	प्रशासन अधिकारी-॥	प्रशासन अधिकारी-॥	सभी	प्रधान, कार्मिक एवं सामान्य प्रशासन

इसरो उपग्रह केन्द्र

समूह 'ख'

(i) वैज्ञानिक एवं तकनीकी पद	निदेशक	निदेशक	सभी	अध्यक्ष
		सह निदेशक/ नियंत्रक	(i) से (iv)	निदेशक
(ii) प्रशासन एवं अन्य पद	नियंत्रक	नियंत्रक	सभी	निदेशक

1	2	3	4	5
		प्रधान, कार्मिक एवं सामान्य प्रशासन	(i) से (iv)	नियंत्रक
समूह 'ग'	प्रधान, कार्मिक एवं सामान्य प्रशासन	प्रधान, कार्मिक एवं सामान्य प्रशासन	सभी	नियंत्रक
		प्रशासन अधिकारी-II	(i) से (iv)	प्रधान, कार्मिक एवं सामान्य प्रशासन
समूह 'घ'	प्रशासन अधिकारी-II	प्रशासन अधिकारी-II	सभी	प्रधान, कार्मिक एवं सामान्य प्रशासन

### इन्सैट मुख्य नियंत्रण सुविधा

#### समूह 'ख'

(i) वैज्ञानिक एवं तकनीकी पद	निदेशक	निदेशक	सभी	सचिव
(ii) प्रशासन एवं अन्य पद	निदेशक	निदेशक	सभी	सचिव
		प्रधान, कार्मिक एवं सामान्य प्रशासन	(i) से (iv)	निदेशक

1	2	3	4	5
समूह 'ग'	प्रधान, कार्मिक एवं सामान्य प्रशासन	प्रधान, कार्मिक एवं सामान्य प्रशासन	सभी	निदेशक
		प्रशासन अधिकारी-॥	(i) से (iv)	प्रधान, कार्मिक एवं सामान्य प्रशासन
समूह 'घ'	प्रशासन अधिकारी-॥	प्रशासन अधिकारी-॥	सभी	प्रधान, कार्मिक एवं सामान्य प्रशासन

द्वय नोदन प्रणाली केन्द्र (एलपीएससी)

समूह 'ख'

(i) वैज्ञानिक एवं तकनीकी पद	निदेशक	निदेशक	सभी	अध्यक्ष
		सह निदेशक/ नियंत्रक	(i) से (iv)	निदेशक
(ii) प्रशासन एवं अन्य पद	नियंत्रक	नियंत्रक	सभी	निदेशक
		प्रधान, कार्मिक एवं सामान्य प्रशासन	(i) से (iv)	नियंत्रक



1	2	3	4	5
समूह 'ग'	प्रधान, कार्मिक एवं सामान्य प्रशासन	प्रधान, कार्मिक एवं सामान्य प्रशासन	सभी	नियंत्रक
		संबंधित एलपीएससी यूनिट के प्रशासन अधिकारी-॥	(i) से (iv)	प्रधान, कार्मिक एवं सामान्य प्रशासन
समूह 'घ'	संबंधित एलपीएससी यूनिट के प्रशासन अधिकारी-॥	संबंधित एलपीएससी यूनिट के प्रशासन अधिकारी-॥	सभी	प्रधान, कार्मिक एवं सामान्य प्रशासन

उन्नत आंकड़ा संसाधन अनुसंधान संस्थान

समूह 'ख'

(i) वैज्ञानिक एवं तकनीकी पद	निदेशक	निदेशक	सभी	सचिव
(ii) प्रशासन एवं अन्य पद	रजिस्ट्रार	रजिस्ट्रार	सभी	निदेशक
समूह 'ग'	रजिस्ट्रार	रजिस्ट्रार	सभी	निदेशक
		प्रशासन अधिकारी-॥	(i) से (iv)	रजिस्ट्रार
समूह 'घ'	प्रशासन अधिकारी-॥	प्रशासन अधिकारी-॥	सभी	रजिस्ट्रार

(मि.सं. 2/5(1)/95-V)

र. गो. नड़ादूर, निदेशक

नोट :

प्रधान नियमों को दिनांक 1.4.1976 के अधिसूचना सं. 2/9(12)/74-III (1) के द्वारा भारत के राजपत्र (असाधारण) भाग - II खण्ड-3 उप खण्ड (ii) में दिनांक 1.4.1976 को प्रकाशित किया गया और इन्हें तदनन्तर इनके द्वारा संशोधित किया गया :-

क्र.सं.	का.आ.सं.(अधिसूचना सं) ।	दिनांक
1.	780 (2/10(32)76-I)	12.03.1977 (10.02.1977)
2.	2127 (2/10(32)76-I)	25.06.1977 (16.05.1977)
3.	2709 (2/10(27)76-I)	02.09.1977 (01.08.1977)
4.	585 (2/7(5)77-I)	25.02.1978 (15.02.1978)
5.	1780 (2/7(5)77-I)	17.06.1978 (27.05.1978)
6.	1178 (2/9(12)74-III)	07.04.1979 (16.03.1979)
7.	1684 (9/4(1)80-III)	21.06.1980 (26.05.1980)
8.	1684 (9/4(1)80-III)	21.06.1980 (26.05.1980)
9.	2586 (9/4(1)80-III)	27.09.1980 (05.09.1980)
10.	3299 (9/4(1)80-III)	29.11.1980 (13.10.1980)
11.	3300 (9/4(1)80-III)	29.11.1980 (13.10.1980)
12.	215 (9/4(1)80-III)	17.01.1981 (20.12.1980)
13.	215 (9/4(1)80-III)	17.01.1981 (20.12.1980)
14.	2592 (2/8(1)81-I)	03.10.1981 (28.08.1981)
15.	3113 (2/8(1)81-I)	04.09.1982 (16.07.1982)
16.	4280 (2/9(1)83-I (V))	14.09.1985 (29.07.1985)
17.	510 (2/5(1)85-V)	08.02.1986 (02.01.1986)
18.	511 (2/9(1)83-(V))	08.02.1986 (02.01.1986)
19.	1309 (2/5(1)86-V)	29.03.1986 (17.03.1986)
20.	3874 (2/5(2)86-V)	15.11.1986 (20.10.1986)
21.	99 (2/5(1)90-VI)	09.02.1991 (01.01.1991)
22.	334 (2/5(2)86-V(VI)(Vol.III)	15.11.1991 (15.11.1991)
23.	2891 (2/5(1)91-VI)	23.10.1992 (23.10.1992)
24.	1029 (2/5(1)95-V)	15.04.1995 (24.03.1995)

## DEPARTMENT OF SPACE

New Delhi, the 23rd December, 1997

S.O. 83.—In exercise of the powers conferred by the proviso to article 309 of the Constitution the President hereby makes the following rules further to amend the Department of Space Employees' (Classification, Control and Appeal) Rules, 1976, namely :—

1. (1) These rules may be called the Department of Space Employees' (Classification, Control and Appeal) Amendment Rules 1997.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In the Department of Space Employees' (Classification, Control and Appeal) Rules, 1976, for the Schedule, the following Schedule shall be substituted, namely :—

## SCHEDULE

[See rules 6, 9(2) and 21(2)]

Description of post	Appointing Authority	Authority competent to impose penalties which it may impose (with reference to rule 8).		Appellate Authority
		Authority	Penalty	
1	2	3	4	5

## DEPARTMENT OF SPACE (DOS) SECRETARIAT

Group 'B'	Joint Secretary	Joint Secretary Deputy Secretary/ Director	All (i) to (iv)	Secretary Joint Secretary
Group 'C'	Deputy Secretary/ Director : if there is no Deputy Secretary/ Director, Joint Secretary	Deputy Secretary/ Director ; if there is no Deputy Secretary/ Director, Joint Secretary	All	Joint Secretary, if Director/Deputy Secretary is the Appointing Authority; and Secretary, if Joint Secretary is the Appointing Authority
		Under Secretary	(i) to (iv)	Joint Secretary, if Director/Deputy Secretary is the Appointing Authority, and Secretary, if Joint Secretary is the Appointing Authority
Group 'D'	Under Secretary	Under Secretary	All	Deputy Secretary/ Director; if there is no Deputy Secretary/ Director, Joint Secretary

## DEPARTMENT OF SPACE (ACCOUNTS), BANGALORE

Group 'B'	Chief Controller of Accounts	Chief Controller of Accounts	All	Additional Secretary, Department of Space
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1	2	3	4	5
Group 'C'	Chief Controller of Accounts	Chief Controller of Accounts Pay and Accounts Officer	All (i) to (iv)	Additional Secretary, Department of Space Chief Controller of Accounts
Group 'D'	Pay and Accounts Officer	Pay and Accounts Officer	All	Chief Controller of Accounts
DEPARTMENT OF SPACE PURCHASE DIVISION				
Group 'B'	Director (Purchase Division)	Director (Purchase Division), Deputy Secretary/ Director, Department of Space.	All (i) to (iv)	Secretary, Department of Space. Director (Purchase Division).
Group 'C'	Deputy Secretary/ Director, Department of Space	Deputy Secretary/ Director Department of Space. Senior Purchase Officer, and if there is no Senior Purchase Officer, Purchase Officer-II	All (i) to (iv)	Director (Purchase Division). Deputy Secretary/ Director, Department of Space.
Group 'D'	Senior Purchase Officer, and if there is no Senior Purchase Officer' Purchase Officer-II.	Senior Purchase Officer, and if there is no Senior Purchase Officer, Purchase Officer-II	All	Deputy Secretary/ Director Department of Space.
CIVIL ENGINEERING DIVISION				
Group 'B'				
(i) Technical posts	Chief Engineer	Chief Engineer	All	Secretary, Department of Space.
		Additional Chief Engineer.	(i) to (iv)	Chief Engineer
(ii) Administrative	Chief Engineer and other posts	Chief Engineer	All	Secretary, Department of Space.
		Additional Chief Engineer.	(i) to (iv)	Chief Engineer
Group 'C'	Additional Chief Engineer/ Construction Engineer/ * Engineer SF/SG	Additional Chief Engineer/ Construction Engineer/ *Engineer SF/SG Administrative Officer-II/ Engineer SE	All (i) to (iv)	Chief Engineer Additional Chief Engineer Construction Engineer/ *Engineer SF/SG.
Group 'D'	Administrative Officer-II/ *Engineer SE	Administrative Officer-II/ *Engineer SE	All	Additional Chief Engineer/ Construction Engineer/ *Engineer SF/SG.

\* In the case of Civil Engineering Division Headquarters, the senior-most Engineer SE or SF or SG, as the case may be, and in the case of units of the Civil Engineering Division, the Construction Engineer or the Head of the Unit.

1	2	3	4	5
<b>INDIAN SPACE ORGANISATION (ISRO) HEADQUARTERS</b> [including ISRO Liaison Cell, Mumbai; National Natural Resources Management System (NNRMS)—Regional Remote Sensing Service Centre-Central Management Office; Regional Remote Sensing Service Centres]				
<b>Group 'B'</b>				
(i) Scientific & Technical posts	Scientific Secretary	Scientific Secretary	All	Chairman
(ii) Administrative and other posts	Scientific Secretary	Scientific Secretary	All	Chairman
		Head, Personnel and General Administration	(i) to (iv)	Scientific Secretary
Group 'C'	Head, Personnel and General Administration	Head, Personnel and General Administration	All	Scientific Secretary
		Administrative Officer-II	(i) to (iv)	Head, Personnel and General Administration
Group 'D'	Administrative Officer-II	Administrative Officer-II	All	Head, Personnel and General Administration
ISRO Liaison Cell, New Delhi				
Group 'B'	Scientific Secretary	Scientific Secretary	All	Chairman
Group 'C'	Officer-on-Special Duty	Officer-on-Special Duty	(i) to (iv)	Scientific Secretary
		Officer-on-Special Duty	All	Scientific Secretary
Group 'D'	Officer-on-Special Duty	Officer-on-Special Duty	All	Scientific Secretary
<b>VIKRAM SARABHAI SPACE CENTRE (VSSC)</b> (INCLUDING ALL UNITS/DIVISIONS UNDER ITS CONTROL)				
<b>Group 'B'</b>				
(i) Scientific & Technical posts	Director	Director	All	Chairman
(ii) Administrative and other posts	Controller	Associate Director/Controller	(i) to (iv)	Director
		Controller	All	Director
		Head, Personnel and General Administration	(i) to (iv)	Controller
Group 'C'	Head, Personnel and General Administration	Head, Personnel and General Administration	All	Controller
		Administrative Officer-II	(i) to (iv)	Head, Personnel and General Administration
Group 'D'	Administrative Officer-II	Administrative Officer-II	All	Head, Personnel and General Administration

1	2	3	4	5
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## SRIHARIKOTA (SHAR) CENTRE

Group 'B'	(i) Scientific & Technical posts	Director	Director	All	Chairman
			Associate Director/ Controller	(i) to (iv)	Director
(ii) Administrative and other posts	Controller	Controller	Controller	All	Director
			Head, Personnel and General Administration	(i) to (iv)	Controller
Group 'C'	Head, Personnel and General Administration	Head, Personnel and General Administration	Head, Personnel and General Administration	All	Controller
			Administrative Officer-II	(i) to (iv)	Head, Personnel and General Administration
Group 'D'	Administrative Officer-II	Administrative Officer-II	Administrative Officer-II	All	Head, Personnel and General Administration

## ISRO Telemetry, Tracking and Command Network

Group 'B'	(i) Scientific & Technical posts	Director	Director	All	Chairman
			Director	All	Chairman
(ii) Administrative and other posts	Director	Director	Head, Personnel and General Administration	(i) to (iv)	Director
			Head, Personnel and General Administration	All	Director
Group 'C'	Head, Personnel and General Administration	Head, Personnel and General Administration	Head, Personnel and General Administration	All	Director
			Administrative Officer-II	(i) to (iv)	Head, Personnel and General Administration
Group 'D'	Administrative Officer-II	Administrative Officer-II	Administrative Officer-II	All	Head, Personnel and General Administration

## SPACE APPLICATIONS CENTRE

GROUP 'B'	(i) Scientific & Technical posts	Director	Director	All	Chairman
			Associate Director/ Controller	(i) to (iv)	Director
(ii) Administrative and other posts	Controller	Controller	Controller	All	Director
			Head, Personnel and General Administration	(i) to (iv)	Controller
GROUP 'C'	Head, Personnel and General Administration	Head, Personnel and General Administration	Head, Personnel and General Administration	All	Controller
			Administrative Officer-II	(i) to (iv)	Head, Personnel and General Administration
GROUP 'D'	Administrative Officer-II	Administrative Officer-II	Administrative Officer-II	All	Head, Personnel and General Administration

1	2	3	4	5
<b>ISRO SATELLITE CENTRE</b>				
<b>GROUP 'B'</b>				
(i) Scientific & Technical posts	Director	Director	All	Chairman
		Associate Director/ Controller	(i) to (iv)	Director
(ii) Administrative and other posts	Controller	Controller	All	Director
		Head, Personnel and General Administration	(i) to (iv)	Controller
<b>GROUP 'C'</b>	Head, Personnel and General Administration	Head, Personnel and General Administration	All	Controller
		Administrative Officer-II	(i) to (iv)	Head, Personnel and General Administration
<b>GROUP 'D'</b>	Administrative Officer-II	Administrative Officer-II	All	Head, Personnel and General Administration
<b>INSAT MASTER CONTROL FACILITY</b>				
<b>GROUP 'B'</b>				
(i) Scientific & Technical posts	Director	Director	All	Secretary
(ii) Administrative and other posts	Director	Director	All	Secretary
		Head, Personnel and General Administration	(i) to (iv)	Director
<b>GROUP 'C'</b>	Head, Personnel and General Administration	Head, Personnel and General Administration	All	Director
		Administrative Officer-II	(i) to (iv)	Head, Personnel and General Administration
<b>GROUP 'D'</b>	Administrative Officer-II	Administrative Officer-II	All	Head, Personnel and General Administration
<b>LIQUID PROPULSION SYSTEMS CENTRE (LPSC)</b>				
<b>Group 'B'</b>	(i) Scientific & Technical posts.	Director	All	Chairman
		Associate Director/ Controller	(i) to (iv)	Director
	(ii) Administrative Controller and other posts.	Controller	All	Director
		Head, Personnel and General Administration	(i) to (iv)	Controller
<b>Group 'C'</b>	Head, Personnel and General Administration	Head, Personnel and General Administration	All	Controller
		Administration Officer-II of the concerned unit of LPSC.	(i) to (iv)	Head, Personnel and General Administration
<b>Group 'D'</b>	Administrative Officer-II of the concerned unit of LPSC.	Administrative Officer-II of the concerned unit of LPSC.	All	Head, Personnel and General Administration

1	2	3	4	5
ADVANCED DATA PROCESSING RESEARCH INSTITUTE				
Group 'B'	(i) Scientific & Director Technical posts.	Director	All	Secretary
	(ii) Administrative Regis- trar and other posts.	Registrar	All	Director
Group 'C'	Registrar	Registrar Administrative Officer-II	All (i) to (iv)	Director Registrar
Group 'D'	Administrative Officer-II	Administrative Officer-II	All	Registrar.

[F. No. 2/5(1)/95-V]

R. G. NADADUR, Director

## NOTE :

The Principal Rules were published vide Notification No. 2/9(12)/74-III(I) dated 1-4-1976 in the Gazette of India (Extraordinary), Part-II, Section-3, Sub-section (ii) dated 1-4-1976 and have subsequently been amended by:—

Sl. No.	S.O. No. (Notification No.)	Dated
1.	780 [2/10(32)/76-I]	12.03.1977/10.02.1977)
2.	2127 [2/10(32)/76-I]	25.06.1977 (16.05.1977)
3.	2709 [2/10(27)/76-I]	02.09.1977 (01.08.1977)
4.	585 [2/7(5)/77-I]	25.02.1978 (15.02.1978)
5.	1780 [2/7(5)/77-I]	17.06.1978 (27.05.1978)
6.	1178 [2/9(12)/74-III]	07.04.1979 (16.03.1979)
7.	1684 [9/4(1)/80-III]	21.06.1980 (26.05.1980)
8.	1684 [9/4(1)/80-III]	21.06.1980 (26.05.1980)
9.	2586 [9/4(1)/80-III]	27.09.1980 (05.09.1980)
10.	3299 [9/4(1)/80-III]	29.11.1980 (13.10.1980)
11.	3300 [9/4(1)/80-III]	29.11.1980 (13.10.1980)
12.	215 [9/4(1)/80-III]	17.01.1981 (20.12.1980)
13.	215 [9/4(1)/80-III]	17.01.1981 (20.12.1980)
14.	2592 (2/8(1)/81-I)	03.10.1981 (28.08.1981)
15.	3113 [2/8(1)/81-I]	04.09.1982 (16.07.1982)
16.	4280 [2/9(1)/83-I(V)]	14.09.1985 (29.07.1985)
17.	510 [2/5(1)/85-V]	08.02.1986 (02.01.1986)
18.	511 [2/9(1)/83-I(V)]	08.02.1986 (02.01.1986)
19.	1309 [2/5(1)/86-V]	29.03.1986 (17.03.1986)
20.	3874 [2/5(2)/86-V]	15.11.1986 (20.10.1986)
21.	99 [2/5(1)/90-VI]	09.02.1991 (01.01.1991)
22.	334 [2/5(2)/86-V(VI) Vol. III]	15.11.1991 (15.11.1991)
23.	2891 [2/5(1)/91-VI]	23.10.1992 (23.10.1992)
24.	1029 [2/5(1)/95-V]	15.04.1995 (24.03.1995)



श्रम मंत्रालय

नई दिल्ली, 15 दिसम्बर, 1997

का.आ. 84.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार आर्कैलोजिकल सर्वे ऑफ इंडिया, आगरा के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 15-12-97 को प्राप्त हुआ था।

[सं. एल-42012/279/90-आई आर (डी यू)]

के.वी.बी. उण्णी, डेस्क अधिकारी

MINISTRY OF LABOUR

New Delhi, the 15th December, 1997

S.O. 84.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Archaeological Survey of India, Agra and their workman, which was received by the Central Government on 15-12-97.

[No. L-42012/279/90-IR(DU)]

K. V. B. UNNY, Desk Officer

ANNEXURE

BEFORE SHRI B. K. SRIVASTAVA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-INDUSTRIAL COURT, DEOKI PALACE ROAD, PANDU NAGAR, KANPUR

Industrial Dispute No. 166 of 1991

In the matter of dispute :

BETWEEN

Smt. Harpyari,  
C/o Surender Singh,  
2/236, Namneir, Agra.

AND

Superintending Archaeological,  
A.S.I., Agra Circle,  
22, Mall, Agra.

APPEARANCES :

Shri Surender Singh—for the workman.

Shri M. S. Prakash Rao—for the management.

AWARD

1. Central Government, Ministry of Labour, New Delhi vide its Notification No. L-42012/279/90-IR. (D.U.) dated 25-9-91 has referred the following dispute for adjudication to this Tribunal :

“Whether the Superintending Archaeologist, Archaeological Survey of India, Agra was justified in terminating the services of Smt. Harpyari w.e.f. 1-10-87? If not, to what relief the workman concerned is entitled?”

2. The case of the concerned work lady Harpyari is that she was working as casual IV class employee with the opposite party, Archeological Survey of India Agra Circle. She was illegally removed from service w.e.f. 1-10-87 without complying provision of “last come first go”. Hence this termination is bad.

3. The case of the opposite party is that the concerned work lady was daily rated casual Beldar. She absconded from duty in May 1986 thereafter she reappeared in 1991 and on the intervention of the ALC(C) she was again employed as a casual beldar in April 1991 as a daily rated worker. As she was never removed from service question of bad does not arise.

4. In the rejoinder nothing new has been alleged.

5. The only point on which this termination has been challenged is breach of principle of “Last come first go” for determining this point it is necessary that the applicant should give her date of appointment. As the same has neither been given in the claim statement nor in the rejoinder, this issue can not be decided in favour of the concerned work lady.

6. There is evidence of M. C. Sharma, MW(1) Senior Conservation Assistant and S. C. Sharma, MW(2) Assistant Engineer to prove that the concerned work lady has absconded from May 1986. Smt. Har Payari, WW(1) has denied this fact. In my view had she been removed from service had she not absconded who would have raised dispute before ALC(C) much earlier. Her silence till 1991 make the version of the management more probable. Accordingly I believe the version of the management and hold that concerned work lady has absconded from duty from May 1986. As she was a daily rated worker question of holding enquiry regarding absent from duty did not arise.

7. Accordingly my award is that the concerned work lady was not removed from service. Instead she has left the job of her own. Hence question of her alleged termination is being illegal does not arise. Consequently she is not entitled for any relief.

B. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 15 दिसम्बर, 1997

का.आ. 85.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार आर्कैलोजिकल सर्वे ऑफ इंडिया, आगरा के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 15-12-97 को प्राप्त हुआ था।

[सं. एल-42012/69/93-आई आर (डी यू)]

के.वी.बी. उण्णी, डेस्क अधिकारी

New Delhi, the 15th December, 1997

S.O. 85.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Archaeological Survey of India, Agra and their workman, which was received by the Central Government on 15-12-97.

[No. L-42012/69/93-IR(DU)]

K. V. B. UNNY, Desk Officer

ANNEXURE

BEFORE SRI B. K. SRIVASTAVA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, PANDU NAGAR, KANPUR

Industrial Dispute No. 85 of 1994

In the matter of dispute :

BETWEEN

Girraj Singh C/o Shri Surendre Singh,  
2/236, Namneir, Agra.

AND

Suptd., Archaeologist,  
A.S.I., Agra Circle,  
22, The Mall, Agra.

## AWARD

1. Central Government, Ministry of Labour, New Delhi vide notification No. L-42012/69/93-IRDU dated 25-8-94, has referred the following dispute for adjudication to this Tribunal—

Whether the demand of Shri Girraj Singh, S/o Shri Dalchand, Ex-Labour/Beldar of Archaeological Survey of India, Agra for reinstatement in service with full back wages w.e.f. December, 1991 is justified? If yes, what relief the workman concerned is entitled to?

2. The case of the concerned workman Girraj Singh is that he was engaged as Beldar by the opposite party on 1-1-86 and he continuously worked upto 31-12-91. Therefore, his services were illegally determined in breach of provisions of sections 25F and 25H of I.D. Act, hence his termination is bad in law.

3. The opposite party has filed written statement in which it has been alleged that the concerned workman was never engaged in their department hence question of termination does not arise.

4. In the rejoinder it was reiterated that the concerned workman was employee of the opposite party.

5. In support of his case the concerned workman examined himself as Girraj Singh W.W.1 besides he has filed Ext. W.1 to W-5 out of which Ext. W.1 is relevant. It is a certificate issued by the opposite party showing that the concerned workman was engaged from 1-1-86 to 31-12-91.

6. In rebuttal the management has examined Surendra Kumar Sharma, Chandra Bhatia, Narendra Kumar, B. B. S. Sengar and H. C. Sharma. All of them have stated that the concerned workman was never engaged. Out of them Chandra Bhatia has stated that Ext. W-1 was obtained by practicing fraud. It has never been the case of the management prior to giving of this statement. Hence his contention appears to be afterthought in order to wriggle out from the admission made in this certificate. As this certificate has been duly proved by the concerned workman and in as much as Chandra Bhatia the witness of the management has not alleged that this certificate is fake. I am inclined to accept it and on the basis of this very certificate alone, I upheld the version of the concerned workman and hold that he was engaged as Beldar and he continuously worked as mentioned in the certificate Ext. W-1 from 1-1-86 to 31-12-91. Thereafter, his services were terminated. It is obviously in breach of provisions of Section 25F of I.D. Act, as retrenchment compensation and notice pay was not given to him.

7. Accordingly it is held that retrenchment of concerned workman is bad in law and he is entitled for reinstatement with back wages at the post on which he was working for the last time.

B. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 15 दिसम्बर, 1997

का.आ. 86.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार आर्कैलोजिकल सर्वे ऑफ इंडिया, आगरा के प्रबन्धन के संबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 15-12-97 को प्राप्त हुआ था।

[सं. एल-42012/71/93-आई आर (डी यू)]

के.वी.बी. उण्णी, डेस्क अधिकारी

New Delhi, the 15th December, 1997

S.O. 86.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government

Industrial Tribunal, Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Archaeological Survey of India, Agra and their workman, which was received by the Central Government on 15-12-97.

[No. L-42012/71/93-IR(DU)]

K. V. B. UNNY, Desk Officer

## ANNEXURE

BEFORE SRI B. K. SRIVASTAVA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, PANDU NAGAR, KANPUR

Industrial Dispute No. 79 of 1994

In the matter of dispute :

## BETWEEN

Naval Singh C/o. Sh. Surendra Singh,  
2/236, Namneir, Agra.

## AND

Suptd. Archaeologist,  
A.S.I. Agra Circle,  
22 The Mall, Agra.

## AWARD

1. Central Government, Ministry of Labour, New Delhi vide Notification No. L-42012/71/93-I.R. (D.U.) dated 25-8-94, has referred the following dispute for adjudication to this Tribunal :—

Whether the demand of Shri Naval Singh S/o, Sh. Narayan Singh Ex-Labour Beldar of Archaeological Survey of India, Agra for reinstatement in service with full back wages w.e.f. Nov., 1991 is justified? If yes, what relief the workman concerned is entitled to.

2. The case of the concerned workman Naval Singh is that he was engaged as Beldar by the opposite party on 1-1-89 and he continuously worked upto 18-11-91. Therefore, his services were illegally determined in breach of provisions of section 25F and 25H of I.D. Act, hence his termination is bad in law.

3. The opposite party has filed written statement in which it has been alleged that the concerned workman was never engaged in their department hence question of termination does not arise.

4. In the rejoinder it was reiterated that the concerned workman was employee of the opposite party.

5. In support of his case the concerned workman examined himself as Naval Singh W.W. 1 besides he has filed Ext. W-1 to W-5 out of which Ext. W-1 is relevant. It is certificate issued by the opposite party showing that the concerned workman was engaged from 1-1-89 to 18-11-91.

6. In rebuttal the management has examined Surendra Kumar Sharma, Chandra Bhatia, Narendra Kumar, B. B. S. Sengar and H. C. Sharma. All of them have stated that the concerned workman was never engaged. Out of them Chandra Bhatia has stated that Ext. W-1 was obtained by practicing fraud. It has never been the case of the management prior to giving of this statement. Hence his contention appears to be afterthought in order to wriggle out from the admission made in this certificate. As this certificate has been duly proved by the concerned workman and in as much as Chandra Bhatia the witness of the management has not alleged that this certificate is fake. I am inclined to accept it and on the basis of this very certificate alone, I upheld the version of the concerned workman and hold that he was engaged as Beldar and he continuously worked as mentioned in the certificate Ext. W-1 from 1-1-89 to 18-11-91. Thereafter his services were terminated. It is obviously in breach of provisions of sec. 25F of I.D. Act, as retrenchment compensation and notice pay was not given to him.

7. Accordingly it is held that retrenchment of concerned workman is bad in law and he is entitled for reinstatement with back wages at the post on which he was working for the last time.

B. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 15 दिसम्बर, 1997

का.आ.-87—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार आर्कैोलॉजिकल सर्वे ऑफ इंडिया, आगरा के प्रबन्धतन्त्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 15-12-97 को प्राप्त हुआ था।

[सं. एल-42012/72/93 आईआर(डीयू)]  
के.वी.बी. उण्णी, डेस्क अधिकारी

New Delhi, the 15th December, 1997

S.O. 87.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Archaeological Survey of India, Agra and their workman, which was received by the Central Government on 15-12-97.

[No. L-42012/72/93-IR(DU)]  
K. V. B. UNNY, Desk Officer

#### ANNEXURE

BEFORE SRI B. K. SRIVASTAVA, PRESIDING OFFICER,  
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-  
CUM-LABOUR COURT, PANDU NAGAR, KANPUR

Industrial Dispute No. 76 of 1994

In the matter of dispute :

#### BETWEEN

Ramesh Chandra C/o. Surendra Singh,  
2/236, Namneir, Agra.

#### AND

Supdt. Archaeologist,  
A.S.I. Agra Circle,  
22 The Mall Agra.

#### AWARD

1. Central Government Ministry of Labour, New Delhi vide notification No. 1-42012/72/93-IRDU dated 25-8-94, has referred the following dispute for adjudication to this Tribunal :—

Whether the demand of Sri Ramesh Chandra S/o. Pyare Lal Ext. Labour Beldar of Archaeological Survey of India Agra for reinstatement in service with full back wages w.e.f. December 1991 is justified? If yes what relief the concerned workman is entitled to?

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2. The case of the concerned workman Ramesh Chandra is that he was engaged as Beldar by the opposite party on 1-1-88 and he continuously worked upto 1-12-91. Thereafter, his services were illegally determined in breach of provisions of Section 25-F and 25-H of I. D. Act, hence his termination is bad in law.

3. The opposite party has filed written statement in which it has been alleged that the concerned workman was never engaged in their department hence question of termination does not arise.

4. In the rejoinder it was reiterated that the concerned workman was employee of the opposite party.

5. In support of his case the concerned workman examined himself as Ramesh W.W.1 besides he has filed Ext. W.1 to W.5 out of which ext. W-1 is relevant. It is certificate issued by the opposite party showing that the concerned workman was engaged from 1-1-85 to 1-12-91.

6. In rebuttal the management has examined Surendra Kumar Sharma, Chandra Bhatia, Narendra Kumar, B. B. S. Sengar and H. C. Sharma. All of them have stated that the concerned workman was never engaged. Out of them Chandra Bhatia has stated that that Ext. W-1 was obtained by practicing fraud. It has never been the case of the management prior to giving of this statement. Hence his contention appears to be afterthought in order to wriggle out from the admission made in this certificate. As this certificate has been duly proved by the concerned workman and inasmuch as Chandra Bhatia the witness of the management has not alleged that this certificate is fake, I am inclined to accept it and on the basis of this very certificate alone, I uphold the version of the concerned workman and hold that he was engaged as Beldar and he continuously worked as mentioned in the certificate Ext. W-1 from 1-1-1988 to 1-12-91. Thereafter, his services were terminated. It is obviously in breach of provisions of sec. 25F of I.D. Act, as retrenchment compensation and notice pay was not given to him.

7. Accordingly it is held that retrenchment of concerned workman is bad in law and he is entitled for reinstatement with back wages at the post on which he was working for the last time.

B. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 15 दिसम्बर, 1997

का.आ. 88.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार राणाघाट बांध परियोजना, बेतवा नदी परिसर, झांसी के प्रबन्धतन्त्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 15-12-97 को प्राप्त हुआ था।

[सं. एल-42012/124/93-आईआर(डीयू)]  
के.वी.बी. उण्णी, डेस्क अधिकारी

New Delhi, the 15th December, 1997

S.O. 88.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Raighat Dam Project, Betwa River Board, Jhansi and their workman, which was received by the Central Government on 15-12-97.

[No. L-42012/124/93-IR(DU)]  
K. V. B. UNNY, Desk Officer

## ANNEXURE

BEFORE SRI B. K. SRIVASTAVA, PRESIDING OFFICER,  
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-  
CUM- LABOUR COURT, PANDU NAGAR, KANPUR

Industrial Dispute No. 149 of 1995

In the matter of dispute :

BETWEEN

Chief Engineer,  
Rajghat Bandh Pariyojana,  
Betwa River Board,  
Nandanpura, Jhansi.

AND

General Secretary,  
Workcharge Karamchhari Sangh,  
Betwa Nadi Board,  
Rajghat Bandh Pariyojana,  
Rajghat Lalitpur.

## AWARD

1. Central Government, Ministry of Labour, vide notification No. L-42012/124/93-IR(DU) dated 15/20-11-95 has referred the following dispute for adjudication to this Tribunal—

Whether the action of the management of Rajghat Dam Project, Betwa River Board in refusing to regularise the services of Sri Sita Ram, Gateman at present a workcharge employee as a regular employee of the Board? If not, to what relief is the concerned worker is entitled?

2. Earlier this reference was answered ex-parte against the concerned workman on 13-2-96 for want of prosecution. However, later on this ex-parte award was set aside and the case has been heard on merits.

3. The simple case of the concerned workman is that he was working as work charge employee since 19-2-79 at the opposite party Betwa River Board Project as gateman. He has completed 240 days every year. Hence he is entitled for regularisation.

4. The opposite party has filed reply alleging that no services can be regularised on a project as service of the concerned workman will come to an end after completing of project. Besides other legal pleas like reference being bad, that opposite party is not an Industry have been raised.

5. In the rejoinder nothing new has been alleged.

6. It may be mentioned that in the leading case of Kishori Lal versus Betwa River Board I.D. No. 79/91 the cases of a large number of work charge employee for regularisation was considered. Vide award dated 15-7-96 it was held that these employees were entitled for regularisation but not from the date of appointment. Instead the tribunal had directed the management to regularised them, within one year from the date of publication of award. For the same reasons given in this award I come to the conclusion that the concerned workman will not be entitled for regularisation from the date of appointment. Instead it is directed that the management will take steps for regularisation of the concerned workman within one month from the date of publication of award.

7. I award accordingly.

B. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 15 दिसम्बर, 1997

का.आ. 89.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार जनरल मैनेजर टेनीकॉम लखनऊ के प्रबन्धन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण,

कानपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 15-12-97 को प्राप्त हुआ था।

[सं. एल-40012/155/94-आईआर (डीयू)]

के.बी.बी. उण्णी, डेस्क अधिकारी

New Delhi, the 15th December, 1997

S.O. 89.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of General Manager, Telecom, Lucknow and their workman, which was received by the Central Government on 15-12-97.

[No. L-40012/155/94-IR(DU)]

K. V. B. UNNY, Desk Officer

## ANNEXURE

BEFORE SRI B. K. SRIVASTAVA, PRESIDING OFFICER,  
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-  
CUM- LABOUR COURT, PANDU NAGAR, KANPUR

Industrial Dispute No. 90 of 1996

In the matter of dispute :

BETWEEN

Sri Vishram,  
C/o M. Shakeel,  
I. Abdul Aziz Road,  
Lucknow.

AND

The General Manager,  
Attention AE (Legal), Telecom Gandhi Bhawan,  
Shahid Marg, Lucknow.

## AWARD

1. Central Government, Ministry of Labour, vide notification No. L-40012/155/94-IR(DU) dated 24-9-96, has referred the following dispute for adjudication to this Tribunal—

Whether the action of the management of General Manager, Telecom, Lucknow in terminating the services of Sri Vishram is legal and justified? if not, to what relief the workman is entitled to?

2. The case of the concerned workman is that he was engaged as Gardener by the opposite party Telecom Department from January, 1991. He continued to work for more than 240 days. He was illegally removed from service as he has claimed pay at par with regular employee. This termination is bad being in breach of provision of Section 25F of I.D. Act.

3. No doubt the opposite party put in appearance through their counsel Shabihul Hasnain but thereafter no one turned upto contest the case. Hence the cases proceeded ex parte against O.P.

4. The concerned workman Vishram has examined himself as W.W.1 in support of his case beside he has filed certificate of Assistant General Manager dated 7-2 year nil to show that he had worked from 22-4-91 to 10-1-92 continuously. Thus in this way it is proved that the concerned workman has completed more than 240 days in a year. The concerned workman has also proved that no retrenchment compensation and notice pay was given to him at the time of retrenchment. Hence his retrenchment is bad.

5. Accordingly my award is that termination of the concerned workman is bad and he is entitled for reinstatement with back wages.

B. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 15 दिसम्बर, 1997

का.आ. 90.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मेटल एण्ड स्टील फैक्ट्री, इच्छापुर के प्रबन्धतन्त्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कलकत्ता के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 15-12-97 को प्राप्त हुआ था।

[सं. एल-14012/8/93-आई.आर. (डो.यू.)]  
के.वी.बी. उण्णी, डेस्क अधिकारी

New Delhi, the 15th December, 1997

S.O. 90.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Calcutta as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Metal Steel Factory, Ichapore and their workman, which was received by the Central Government on 15-12-97.

(No. L-14012/8/93-IR (D.U.))  
K. V. B. UNNY, Desk Officer.

#### ANNEXURE

#### CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT CALCUTTA

Reference No. 32 of 1994

#### PARTIES :

Employers in relation to the management of Metal and Steel Factory, Ministry of Defence, Ichapore.

AND

Their Workman.

#### PRESENT :

Mr. Justice A. K. Chakravarty  
Presiding Officer

#### APPEARANCES :

On behalf of Management : Mr. D. Chakraborty, Advocate.

On behalf of Workman : Mr. Anil Das, concerned workman in person.

STATE : West Bengal. INDUSTRY :

#### AWARD

By Order No. L-14012/8/93-IR (DU), dated 30-9-1994 the Central Government in exercise of its powers under Section 10(1)(d) and (2-A) of the Industrial Disputes Act, 1947 referred the following dispute to this Tribunal for adjudication :—

“Whether the action of the management of Metal and Steel Factory, Government of India, Ministry of Defence, Ichapore in

terminating the services of Shri Anil Das, Ex-Compounder during the period of probation period w.e.f. 25-2-1972 is proper, legal and justified ? If not, to what relief the Workman is entitled to ?”

2. The case of the workman in short is that General Manager of Metal and Steel Factory, Ministry of Defence Ordnance Factory at Ichapore issued a letter dated 13-7-1971 in his favour offering him an appointment as a Compounder (Qualified) at the Metal and Steel Factory, Ichapore and in terms of the said appointment letter the workman joined in his new appointment on 23-7-1991 and started working there. Thereafter by a letter dated 28-2-1972 the service of the workman was terminated as it was no longer required. The workman has challenged the letter of termination as illegal on the ground that after he being found successful in the interview and police verification and medical examination being in his favour, the management had no right to terminate his service without showing him any reason for such termination. A dispute was raised before the Regional Labour Commissioner (Central), Calcutta in the matter but since no settlement could be arrived at in the conciliation proceeding, the matter was referred to the Central Government, which referred the dispute to this Tribunal for adjudication.

3. In the written statement, the management of Metal and Steel Factory, Ichapore has alleged, inter-alia, that the concerned workman Anil Chandra Das was offered a temporary employment on probationary basis in the Metal and Steel Factory (Ordnance Factory), Ichapore on condition that first 2 years period of his service would be treated as probationary period and his service may be terminated any time during the probationary period by either side without notice. After joining his service the workman submitted two attestation forms which were forwarded to the District Magistrate, 24 pgs. for verification of character and antecedents of the workman. These attestation forms were returned on 11-2-1972 by a secret communication, on the basis of which the service of the workman was terminated with effect from 1-3-1972. The management has also alleged that Metal and Steel Factory Ichapore is not an industry within the meaning of the Industrial Disputes Act, 1947 and the reference is accordingly not maintainable. It is also alleged that the reference is barred by the law of limitation.

4. Heard Mr. Chakraborty, learned Advocate appearing for the management and the workman personally.

5. The workman has produced his letter of appointment vide Ext. W-2 from which it will appear that his appointment was probationary for a period of 2 years and that his service could be terminated at any time during this period without any notice. Mr. Chakraborty, learned Advocate appearing for the management contended that since the workman was not entitled to any notice within the period of his probation that the management was justified in terminating his service without any notice.

6. For this purpose Mr. Chakraborty drew my attention to the case of *State of Punjab v. Sukh Raj Bahadur* reported in AIR 1968 SC 1089. Certain propositions were made by their Lordships in that judgement amongst others. Following propositions are necessary for the purpose of this case, namely, Article 311 of the Constitution has no application in the cases of termination of service of a temporary servant or a probationer and the circumstances proceeding or attendant to the order of termination of service have to be examined in each case, the motive behind the same is immaterial. He also referred to the case of *Sukhbans Singh v. State of Punjab* reported in AIR 1962 SC 1711 where it was held that the protection of Article 311 extends to the holders of permanent and temporary posts and can be availed of only where dismissal, removal or reduction in rank is sought to be inflicted by way of punishment and not otherwise and that the Government Servant must be possessed of all the right to hold the post. He also referred to the case of *Dhanjibhai Ramjibhai v. State of Gujarat* reported in (1985) II LLJ 521 where it was held that the service of a probationer can be terminated if his overall performance is not good. Reference was also made to the case of *Hari Singh Mann v. State of Punjab* reported in (1974) II LLJ 438 where it was held that the fitness for the job is one of the most important ground for confirmation. My attention was also drawn to the case of *Oil and Natural Gas Commission v. (Dr.) Md. S. Iskander Ali* reported in (1980) II LLJ 155 where it was held that the probationary civil servant has no right to the post and therefore Article 311 is not attracted. Reference was also made to the case of *Anoop Jaiswal v. Government of India and Anr.* reported in (1984) I LLJ 337 where it was held that protection of Article 311(2) is available to the probationer if the termination is based on misconduct.

7. Upon consideration of the position of a probationer in the light of the decisions referred to above it is clear that a probationer is not ordinarily entitled to protection of Article 311(2) of the Constitution but if the discharge is based on misconduct then the said protection will be available to him. In the instant case, there is nothing either in the discharge order or in the written statement filed by the management against the concerned workman suggesting misconduct as a ground for termination of his service. It was positively stated in the written statement that two attestation forms filed by the workman were forwarded to the District Magistrate, 24-Parganas for verification of his character and antecedents and on the basis of the communication issued by the District Magistrate, his service was terminated.

8. In his evidence Mr. Biswanath Banerjee, MW1 deposing for the management stated that though it is a practice that police verification report is to be filed before the appointment but due to urgency of such appointment, he was appointed without such verification and he was asked to submit police verification forms duly filled up which he did not 4-5-71 and marked Ext. M-9. On 11-2-1972 the District

Magistrate, 24-Pargana informed the General Manager of the factory that the candidate was found unsuitable for Government Service and the report is marked Ext. M-10. This part of the evidence of MW-1 went unchallenged in cross-examination.

The workman in his evidence admitted that he himself registered as an Indian citizen on 17-11-71. It is therefore clear that at the time of his appointment he was not an Indian citizen and his place of birth was at Barishal which at that time was in East Pakistan.

The report of the District Magistrate was filed by the management and marked Ext. M-10 and it will appear from this report that the concerned workman was considered unsuitable for employment under the Government. The enquiry in this matter was made on the attestation form (Ext. M-9) filled up by the workman and forwarded to the District Magistrate.

9. The service of the workman was admittedly undergoing probationary period at the time of termination of his service. Therefore, his service having not been terminated on account of any misconduct, the protection under Article 311(2) of the Constitution is not available and the management acted within its powers in terminating his service on 28-2-1972. Just from this view point, the termination of service of the workman cannot be said to be unjustified.

10. It was next urged on behalf of the management that the Metal and Steel Factory of Ministry of Defence Ordnance Factory, Ichapore being not an industry under the provisions of section 2(j) of the Industrial Disputes Act, 1947 that this Tribunal has no jurisdiction to entertain the matter. Under the provisions of section 2(j)(6) of the Act any activity of the Government relating to the sovereign functions of the Government including all the activities carried on by the departments of the Central Government dealing with defence research, atomic-energy and space are not to be included within the definitions of industry. There cannot be any doubt that the Ministry of Defence preparing ammunition in the factories under its control in performing the sovereign functions of the State. Agreeing with that contention of Mr. Chakraborty, learned Advocate appearing for the management, I am to hold that Metal and Steel Factory (Ordnance), Ichapore is not an industry within the meaning of the Industrial Disputes Act, 1947 and accordingly this Tribunal has no jurisdiction to entertain the present reference.

11. Mr. Chakraborty, learned Advocate for the management also raised the question of limitation in this matter. It appears that the termination of service of the workman took place on 28-2-1972 and the date of reference is 30-9-1994. It is true that the law of limitation has no application concerning the matters of industrial disputes but if any reference is made after long 22 years after the cause of action arose, the Tribunal shall be at liberty to dismiss the claim under the reference as stale.

12. Mr. Chakraborty, learned Advocate for the management finally submitted that there cannot be any question of passing any order of reinstatement as the concerned workman has already passed his age of superannuation. In the attestation form submitted by him, his date of birth was shown as 16th July, 1936 and on that basis he having crossed his age of superannuation on the completion of 58 years of age, there cannot be any question of reinstatement. The question of reinstatement however does not arise in this case as from the facts and circumstances discussed above I have shown that the termination of service of the workman was proper and justified.

13. Though it was not necessary to go into the merits of the case in view of my finding that this Tribunal has no jurisdiction to entertain the reference, still then, the parties having produced all the documentary and oral evidence in the matter, I have decided the schedule under reference on merit and found that the termination of service of the workman was proper, legal and justified.

14. In the aforesaid circumstances, the workman shall not be entitled to any relief in the matter.

This is my Award.

Dated : Calcutta,  
The 26th November, 1997.

A. K. CHAKRAVARTY, Presiding Officer.

नई दिल्ली, 15 दिसम्बर, 1997

का.आ. 91.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय, सरकार स्मॉल आर्म्स फैक्ट्री, कानपुर के प्रबन्धतन्त्र के संबंधित नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचाट की प्रकाशित करती है, जो केन्द्रीय सरकार की 15-12-97 की प्राप्त हुआ था।

[स. एल-14012/38/94-आई आर (डीयू)  
के.वी.बी. उन्नी, डेस्क अधिकारी

New Delhi, the 15th December, 1997

S.O. 91.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Small Arms Factory, Kanpur and their workman, which was received by the Central Government on 15-12-97.

[No. L-14012/38/94-IR(DU)]  
K. V. B. UNNY, Desk Officer

#### ANNEXURE

BEFORE SRI B. K. SRIVASTAVA, PRESIDING OFFICER,  
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-  
CUM-APPEAL COURT, PANDU NAGAR, KANPUR

Industrial Dispute No. 5 of 1996

In the matter of dispute :

#### BETWEEN

Ram Ajorey Putra Sri Sheo Bhikh,  
95 Maswanpur,  
Post Rawatpur,  
District Kanpur.

#### AND

General Manager,  
Small Arms Factory Kalpi Road,  
Kanpur.

#### AWARD

1. Central Government, Ministry of Labour, New Delhi, vide its notification No. L-14012/38/94-IR(DU), dated 27-12-95, has referred the following dispute for adjudication to this Tribunal :—

"Kya Prabandhtantra General Manager Small Arms Factory Kanpur dwara Karmchhari Ram Ajorey ko dinank 16-7-91 se aparipakwa sewa nirvati karna nyavochit hai ? Yadi nahi to sambandhit karmkar kis anutosh ka haqdar hai?"

2. The concerned workman in his claim statement has alleged that he was engaged as a class IV employee on 23-5-63 by the opposite party Small Arms Factory Kanpur. On 2-2-91 he was placed under suspension and on 6-4-91 a chargesheet was given to him, which runs as under :—

Gross Misconduct in that Shri Ram Ajore T. No. 56/III labourer (Semi skilled), SAF, Kanpur committed theft of a piece of flannette (white cloth) measuring 2 Mtrs and attempted to take out the same during mustering out time at about 1815 hrs on 2-2-91. On security Search carried out at the Main Gate Barrier the above Govt. Property was recovered from the possession of the above said Sri Ram Ajore—Failure to maintain absolute integrity, devotion to duty—a conduct unbecoming of a Govt. Servant—violation of the provisions of Rule 3 of the CCS (Conduct) Rules, 1964.

Gross Misconduct in that Sri Ram Ajore T. No. 56/III labourer (Semi-skilled). SAF Kanpur committed theft of an used piece of cloth measuring 1-1/2 Mtrs and attempted to take out the same on the carrier of his cycle on 2-2-91 at Mustering out time. During the course of security search carried out by Sri P. N. Trivedi T. No. 54/MPM Durwan at about 1820 hrs. the above Govt. material was recovered from the cycle carrier of the above said Ram Ajore—Failure to maintain absolute integrity, devotion to duty a conduct unbecoming of a Govt. Servant—violation of the provisions of Rule 3 of CCS (Conduct) Rules, 1964.

In his reply the concerned workman informed that the cloth which was recovered was issued to him for cleaning purposes. He was not supposed to deposit it in the factory premises. Hence he was carrying it to his home as he used to do in the past. Thus he has not indulged in theft. Taking into consideration the fact that the concerned workman has admitted the fact of recovery of the cloth issued by the factory, he was compulsorily retired by order dt. 16-7-91. Feeling aggrieved the concerned workman has raised the instant industrial dispute.

3. In the claim statement it has been alleged that he had not indulged in theft and that he could not have been compulsorily retired without the misconduct having been proved in the enquiry.

4. The opposite party alleged that it is not an industry. Further there was no need for holding enquiry as the concerned workman had already admitted his guilt.

5. In the rejoinder nothing new has been alleged.

6. As regards question of industry, the authorised representative for the opposite party has referred to the case of Sub Div. Inspector of Post versus Joseph 1996 SCC

(L&S) 1012 in which it was held that postal Department and Telecom Department are not industry as they discharge function to fulfil the obligation of Directive Principle of State also which in turn amount to Sovereign Function. I think that the principle laid down in this case will not automatically apply to the facts of present case. I am of the view that opposite party Factory nothing of sort is prepared which may cover the sovereign function, hence this objection is overruled.

7. There is no dispute that the concerned workman was a permanent employee. Simply because the concerned workmen had admitted the recovery of cloth it could not be a basis of non observance with the necessity of holding of domestic enquiry. The so called explanation is qualified one. It is well settled law that an admission is to be read as a whole and not in isolation. If we read the explanation as a whole it would signify that the concerned workman had not indulged in theft. Instead he was openly taking the cloth under the impression that he had right to do so. Thus from this explanation the misconduct was not proved. Consequently, I am of the view that in this case holding of enquiry was necessary. In its absence punishment by way of compulsorily retirement is bad in law.

8. Accordingly my award is that order of compulsorily retirement of the concerned workman was bad in law and the concerned workman is entitled for reinstatement subject to the date of attaining the age of superannuation with back wages.

B. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 17 दिसम्बर, 1997

का.स. 92.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ए.आर.डी.ई., पशन पुणे के प्रबन्धतन्त्र के संबन्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, पुणे के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-12-97 को प्राप्त हुआ था।

[स. एल-14012/43/92-आईआर (डीयू)]

के.वी.बी. उष्णा, डेस्क अधिकारी

New Delhi, the 17th December, 1997

S.O. 92.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Industrial Tribunal, Pune as shown in the Annexure, in the industrial dispute between the employers in relation to the management of A.R.D.E. Pashan, Pune and their workman, which was received by the Central Government on 17-12-97.

[No. L-14012/43/92-IR(DU)]

K. V. B. UNNY, Desk Officer

#### ANNEXURE

BEFORE SHRI S. S. HIRURKAR, INDUSTRIAL TRIBUNAL, MAHARASHTRA AT PUNE

Reference (IT) No. 18 of 1994

#### ADJUDICATION

#### BETWEEN

1. Management of ARDE Pashan, Pune.
2. The Chairman,  
Tea Canteen Committee,  
C/o. ARDE, Pune.

#### AND

The Workman employed under them.

In the matter of a dispute under the Industrial Disputes Act, 1947.

#### APPEARANCES :

Miss Sandhya Londhe—for the First Party.  
Mrs. S. S. Khare—for the Second Party.

#### AWARD

This is a reference referred to this Tribunal for adjudication by the Government of India, Ministry of Labour, New Delhi, by its order dated 29-4-1994 in respect of a dispute between the management of ARDE Pashan, Pune and the workman in respect of the matters specified in the Schedule appended to the Order of Reference. The Schedule of the reference reads as under :—

“Whether the action of the management of ARDE, Pashan, Pune in terminating the services of Shri Vinayak J. Kamble, an ex-waiter is proper, legal and justified. If not, to what relief, the workman concerned is entitled for?”

2. After the receipt of the reference, notices were issued to the parties. Accordingly, the second party workman and the first party appeared in the Court and filed their statement of claim and written statement, respectively.

3. According to the statement of claim filed by the second party workman, it is his case that he was in the employment of the first party in the canteen as a waiter. Along with him, other employees by name Shri Kamble, Shri Ashok Swami and Shri Mehboob Karajagi were also working in the said canteen from 1st April 1980. The second party workman has worked with the first party canteen from April 1980 to December 1982 and his services were terminated from 1st January 1983, without assigning any reason and without complying the provisions of the Industrial Disputes Act, 1947. Therefore, the second party workman challenged the illegal termination before the Conciliation Officer. The conciliation took place between the parties and the matter could not be settled. Hence, a failure report was submitted and thereafter, the matter has been referred to this Tribunal. It is further submitted by the second party workman that his services were terminated by the first party without any reason, with mala fide intention and against the principles of natural justice. Though the Conciliation Officer has directed the first party to take back the second party in the employment, then also, the first party has not allowed the second party workman to resume his duties. Hence, in the present reference, by filing the statement of claim, the second party workman has prayed that the first party canteen be directed to reinstate the workman with continuity of service and with full back-wages.

4. The first party—ARDE Pashan has filed its written statement below Ex. C-5. A preliminary objection was raised that there is no employer-employee relationship between the parties of this reference in question. The second party workman was never in the employment of the first party or he was never appointed or recruited by the first party. He was never on the pay-roll of the first party. Hence, the present reference does not come under the purview of the I. D. Act and the Court has no jurisdiction. Therefore, the preliminary issue regarding the maintainability of the reference be framed and be decided accordingly.

5. The next issue was raised by the first party that the second party workman has approached the Labour Commissioner after a lapse of 9 years. Hence, his application being not bonafide and nowhere he has mentioned or explained the delay and laches in filing the application before the Conciliation Officer, the application is false and frivolous and it deserves to be dismissed, and accordingly the reference be rejected.

6. Without prejudice to these contentions, the first party has submitted that it is a department of Union of India under the administrative control of Defence Research and Development Organisation of Govt. of India, Ministry of Defence. Amongst various facilities provided for the employees of the first party, canteen facility is provided and accordingly, a Committee of members called as 'Tea Canteen Committee' is formed by employees of the first party. The said Committee manages the day-to-day affairs of the canteen and the said committee consists of Chairman, Vice-Chairman, Secretary and 3 members. The said committee looks after the management of the said canteen. This committee is empowered to take its own decision about the requirement of manual labour for the smooth functioning of the canteen. The canteen committee is an independent



body having its own entity. Its accounts are separately maintained and audited. The second party workman was well aware of this fact and with mala fide intention, he has not made this committee as a party to the present proceeding. Therefore, unless and until the canteen committee is made a necessary party to the present proceeding, the reference will not be maintainable and as it is not maintainable, it should be dismissed.

7. The first party has strongly and strenuously denied the allegations made by the second party workman regarding the working of the workman in the said canteen for the period mentioned in the statement of claim. The first party has denied the contents of all the paras being false and frivolous. It is denied by the first party that the services of the second party workman are terminated illegally without giving opportunity of being heard. The first party has denied the relationship of master and servant between the first party and the second party workman. It is also denied that the workmen by name Shri Swami and Shri Karaji were reinstated by the first party and the second party workman was denied the said relief and there is any discrimination or mala fide shown by the first party. Lastly, it is submitted by the first party that the contents of the present statement of claim being false, frivolous and baseless and there being no substance in the said statement of claim, the second party workman is not entitled to get any relief, much less the relief of reinstatement with back-wages.

8. Pursuant to the written statement filed by the first party, an application was made by the second party workman for amendment, below Ex. U-5. It was contended in the said application that the Chairman, Tea Canteen Committee, c/o. A.R.D.E. Pashan, Pune, be added as a necessary party to this reference in view of the written statement filed by the first party. After hearing the parties, my Predecessor was pleased to allow the amendment application. Accordingly, the Chairman, Tea Canteen Committee, was added as first party Sr. No. 2 in the present reference. The said order was not challenged by either of the parties before any authority. Therefore, first party Sr. No. 2 i.e. Chairman, Tea Canteen Committee has filed the written statement below Ex. CA-1. The said written statement is nothing but the repetition of the written statement filed by the first party earlier. The first party Sr. No. 2 also denied the allegations made by the second party workman. It has also denied the relationship of master and servant between the parties. It is denied by first party Sr. No. 2 that the second party workman was employed for the period mentioned in the statement of claim. The first party Sr. No. 2 also submitted that the present reference is not tenable, as the second party workman had approached the Conciliation Officer after a lapse of 9 years and no explanation has been given in the application. It is submitted by first party Sr. No. 2 that the second party workman was neither employed on regular basis at any time nor coming under the pay-roll of Government. The second party workman might have been taken on purely casual/daily wage basis during August 1981 to March 1982 and not for the period quoted in the employment certificate. The said certificate does not reflect truth of his statement and the certificate produced by him does not tally with the period. It is submitted that the second party workman claims that he was employed for 2-1/2 years whereas the certificate produced was for 3-1/2 years that too without the counter-signature of the first party. Hence, the first party Sr. No. 2 submitted that the certificate produced by the second party workman is false and forged document, purely obtained with a mala fide intention by the second party workman. Lastly, it is submitted by the first party Sr. No. 2 that the second party workman had worked with the Managing Committee of Tea Canteen purely on temporary basis from 28-8-1981 to 31-3-1982,

that too, only on need basis. Hence, he has no locus-standi to file such type of false and frivolous claim against the first party and thereby, he is not entitled to claim any relief against the first party as mentioned in the prayer clause.

9. On the basis of the pleadings of the parties and in view of the schedule of reference, following points arise for my consideration and I record my findings as under, for the reasons mentioned below :

Points	Findings
1. Whether the first party proves that there is no master and servant relationship between the first party and the second party workman ?	—No
2. Whether the first party proves that the reference is barred by limitation ?	—No
3. Whether the action of the management of ARDE, Pashan, Pune, in terminating the services of Shri V. J. Kamble, an ex-waiter is proper, legal and justified ?	—No
4. To what relief, the workman concerned is entitled for ?	The workman is entitled to get the relief as per final Award.
10. At the outset, it needs to be mentioned here that the reference is required to be decided as per the Schedule referred to this Tribunal. But as the first party has raised a preliminary objection regarding the jurisdiction of this Tribunal and maintainability of the reference and requested to frame the said issues, hence, for the sake of argument, those issues were framed, to decide the controversy between the parties. The first party as well as the second party have led the evidence to prove their case.	
11. It was the contention of the first party management that the second party workman was never recruited or appointed on any post of this department by the first party or he was never on the pay-roll of the first party. Therefore, the reference in question does not come under the purview of the I. D. Act and this Court has no jurisdiction. For this purpose, it was necessary for the first party to prove that the second party workman was never appointed in the department of the first party. But, it is an admitted fact on record that the first party Sr. No. 2 itself has admitted in its written statement that the second party workman might have been taken on purely casual/daily wage basis during August 1981 to March 1982 and not for the period quoted in the employment certificate. It is also an undisputed fact that the experience certificate was issued by one Shri Venkataraman, who was in the employment of the first party management and he has issued the certificate to the second party workman regarding his period of employment. Therefore, it was necessary for the first party management to prove that the said certificate was not genuine and the second party workman has never worked with the first party management. But, it is pertinent to note that the first party itself has admitted that the second party workman has worked for near about 6-7 months. If, once it is admitted that the workman has worked for 6-7 months,	

then, the responsibility and burden lies on the first party to prove that the second party workman was not employed for more than that period. In the present case, a notice was issued by the second party workman to the first party to produce the muster-rolls for the period from 1979 to 1986, but the said documents were not produced by the first party on the ground that the record was destroyed. It is pertinent to note that nowhere in the written statement, it is the contention of the first party that there is a procedure to destroy the record after a period of 5 years. So also, the first party has not placed on record any document to show that the record was destroyed.

12. It is also on admitted position that one Shri Ashok Kumar Swamy and Shri Karajgi were in the employment of the first party and they were taken back in the employment by the first party after the conciliation was started. When the record of Shri Swamy and Shri Karajgi who were working along with the second party workman, was available, then the record regarding the second party workman should have been produced by the first party. Therefore, as the first party has failed to produce any record to show that the second party workman was not in the employment of the first party, so also, when it is admitted by the first party that the second party workman was employed by the Tea Canteen Committee to work on purely daily wage basis as a vendor in the canteen, then, it was the responsibility of the first party Sr. No. 2 to prove that the second party workman has only worked for the period of 6-7 months. Presuming that the workman has worked for 6-7 months with the first party Sr. No. 2 in the canteen, then, it becomes very much clear that there is a master and servant relationship between the first party Sr. No. 2 and the second party workman. It is an admitted fact that the Tea Canteen Committee is appointed by the first party and the Director of the First party is the Chairman of the said Tea Canteen Committee. Therefore, obviously, it is clear that there is relationship of master and servant between the first party and the second party workman. Hence, I am constrained to hold that the first party management has failed to prove that there is no master and servant relationship between the first party and the second party workman. Hence, I answer the issue accordingly.

13. The next objection was raised by the first party management regarding the maintainability of the present reference, as it was barred by limitation. It is the contention of the first party that the present reference was referred to this Tribunal by the Govt. after a lapse of 9 years. The second party workman has approached the Govt. after a lapse of 9 years. Therefore, the reference is not tenable. It is pertinent to note that the first party has not placed on record any provision to show that there is any limitation provided for approaching the Conciliation Officer. It is a well settled principle of law and well established position in law that it is the discretionary power of the Govt. to refer the matter for adjudication to the Tribunal after going through the facts of the case. Once, the reference has been adjudicated by the Govt. to the Tribunal, there could not be any grievance on the part of the parties to say that the said reference is barred by limitation. It was also contended by the first party that the second party workman has not given any explanation for such delay and laches. It has been categorically stated by the second party workman that he has approached the Conciliation Officer after knowing that Shri Swamy and Shri Karajgi were reinstated by the first party, as they had approached the Conciliation Officer. On the basis of the said proceeding and knowing that Shri Swamy and Shri Karajgi were reinstated, the second party workman has approached the Conciliation Officer. It is the case of the second party workman that he was working in the canteen of the first party along with Shri Swamy and Shri Karajgi. The complainant was not knowing the procedure of law, to whom he should approach. After knowing that Shri Swamy and Shri Karajgi approached the Conciliation Officer after their termination and they have succeeded in getting the employment, the complainant has approached the Conciliation Officer. The Conciliation Officer after making due enquiry, submitted the failure report to the Govt. and accordingly, the Central Govt. has referred this reference to this Tribunal. Therefore, I do not find any substance in the objection raised by the first party management that the reference is barred by limitation. Hence, I answer the issue accordingly.

14. After answering both the issues, now, it needs to be considered the Schedule of reference, i.e. the issue whether the action of the management of ARDE, Pashan, Pune, in terminating the services of Shri V. J. Kamble an ex-waiter is proper, legal and justified? If not, to what relief, the workman concerned is entitled for? So as to decide the issue, it is necessary to go through the facts of the present case.

15. Before going through the facts of the case, I find it necessary to mention here that, after the dispute was referred for adjudication to this Tribunal, only the Director, ARDE, Pashan, Pune, was made as a first party. Thereafter, an objection was raised by the first party management that the Chairman, Tea Canteen Committee is the necessary party to the present reference, as the day-to-day working of the canteen is looked after by the said Committee. On the basis of the pleadings raised in the written statement, the second party workman filed an application for amendment and for joining the Chairman, Tea Canteen Committee as a party. Accordingly, the Chairman, Tea Canteen Committee was joined as first party Sr. No. 2. The said order was not challenged by either of the parties. Therefore, it is presumed that the said order has been admitted by both the parties. Accordingly, the Chairman, Tea Canteen Committee i.e. first party Sr. No. 2 appeared before the Tribunal and submitted its written statement and also adduced the evidence.

16. Now, the facts of the case are that admittedly, the second party workman was appointed on daily wages as a vendor in the canteen of the first party. No doubt, the said canteen has been run by the Chairman, Tea Canteen Committee. But it is an admitted position that the funds are provided by the Govt. and the said canteen is run for the welfare of the employees of the first party. The dispute is only regarding the number of days worked by the second party workman. According to the second party workman, he has worked from April 1980 to December 1982 and his services were terminated from 1st January 1983 without assigning any reason or without giving any notice to him or without complying the provisions of Section 25F of the I.D. Act. Therefore, according to the second party workman, the termination is illegal, improper and bad in law, whereas, it is the contention of the first party Sr. No. 1 that he was never in the employment of the first party ARDE, Pashan, but he might have been in the employment of the canteen, i.e. first party Sr. No. 2. Therefore, it is an undisputed fact that the second party workman was in the employment of the first party. Now, only point arises for consideration is whether he has worked for more than 240 days or not.

17. The second party workman had led oral evidence to prove his contention. But prior to that, a notice was issued by the second party workman to the first party to produce the muster-rolls and wage registers, for the said period, but the said documents were not filed on record only on the ground that the record has been destroyed. Once it is admitted that the record is destroyed, then there is no alternative rather than to rely on the oral evidence. However, prior to relying on the oral evidence, it needs to be considered here that the first party management has not produced on record any document to show that the record was really destroyed. It is a general procedure adopted by the Govt. that at the time of destroying any record, necessary directions are sought from the Head of the Department and a note to that effect is placed on record, but the first party management has not placed any document to that effect. Therefore, adverse inference needs to be drawn in the present case that the record was not destroyed, but it was not intentionally filed in the present proceeding.

18. The second party workman has examined himself below Ex. UW-1. He has categorically stated that he has worked as a waiter in the canteen upto 1983. His services were terminated by the first party from 1-1-1983, without assigning any reason and without following due process of law. He has also stated that there were near about 20 employees working in the canteen along with him. He has further stated that as he had asked the first party to make him permanent, his services were terminated. He has also deposed that he has worked with the first party from April 1980 to December 1982. Along with him, two persons

by name Mehboob Karajgi and Ashok Kumar Swamy were working. He came to know that Shri Swamy and Shri Karajgi were reinstated by the first party. Therefore, he has made application on 19-4-1991 to the first party requesting the first party to take him in the employment, but his request was not considered. The second party workman has been included on the certificate issued by Shri Venkataraman, who was the Accounts Officer of the first party management. In the said certificate, it has been categorically mentioned that the second party workman has worked in the Tea Canteen from April 1980 to December 1982.

19. The second party workman was cross-examined at length by the Counsel for the first party management. In the cross-examination, it was tried to suggest that the experience certificate produced on record was obtained by the second party workman by misrepresentation and by joining hand with Shri Venkataraman and the said certificate was not genuine one and it is forged documents. It is an admitted fact that the said certificate was issued by Shri Venkataraman on 12-6-1984 and it was attested by Shri W. V. Date, who is in the employment of the first party. At the time of issuing the said certificate, Shri Venkataraman was working with the first party as Accounts Officer. Therefore, it needs to be presumed that the said certificate was issued by Shri Venkataraman in the capacity of Officer. If the said certificate was bogus and was issued by Shri Venkataraman without any authority, then, it was obligatory on the part of the first party to bring Shri Venkataraman as a witness in the Court and examine him to falsify the said certificate, but the first party has failed to do so mentioning that Shri Venkataraman has been retired from service. It needs to be pointed out here that the first party management was having the knowledge of the said certificate issued by Shri Venkataraman. Therefore, a letter was issued by the management on 29-12-1992 to Shri M. V. Venkataraman asking him to state the premises on which he had given certificates to Shri Ranpise and Shri V. J. Kamble, but no reply was received from Shri Venkataraman. In absence of any reply from Shri Venkataraman or any denial from his part that the said certificate was not issued by him, it needs to be accepted that the certificate was a genuine one.

20. Another issue was raised by the first party management that there was a procedure with the first party to issue the certificate in a specific proforma, but no proforma has been placed on record or no document has been placed on record by the management to show the procedure of issuing the experience certificate. An application below Ex. C-22 was filed by the Counsel for the first party praying to allow the production of document on record when the evidence of the second party workman was over. The said document is nothing but a blank proforma of Service Discharge Certificate. But the said production was not allowed, as the evidence stage was over. Therefore, I do not find any substance or any reason to disbelieve the experience certificate produced on record by the second party workman, for the reason that the first party management has failed to prove that the said certificate was not genuine.

21. The first management itself has placed on record certain documents below Ex. C-14 to show the status of employees of canteen established in Defence Industrial Installations, and to show that there were only 12 employees and the second party workman was never in the employment of the first party. If the second party workman would have been in the employment of the first party, then his name would have been placed on record while issuing the information in reference to the Govt. Circular dt. 25-7-1981. It is an admitted fact that in view of the said Govt. Circular, the daily wages workers who were in the employment of the first party Sr. No. 2 canteen were made permanent from 22-10-1980. It is the case of the first party that, as the second party workman was not in the employment of the first party on 22-10-1980, he was not made permanent. It is pertinent to note that it is the case of the second party workman that as he had demanded permanency, his services were terminated. If the second party was never in the employment of the first party, then, the question of making him permanent does not arise. So also, his name will not come in the said list. But, it is an admitted fact on record that, according to the first party, the second party workman was

in the employment of the first party from 28-8-1981 to 31-3-1982. No explanation has been given by the witness examined by the first party, from which record this period has been mentioned by him. It is also the case of the first party that the second party workman was working in the canteen as a casual employee on daily wages as and when required. If the workers were engaged on daily wages, as and when required, then there ought to be a register maintained by the first party regarding the payment of daily wages, but the first party has not placed on record the said register.

22. From the record, it is seen that the first party management has specifically mentioned the period of employment of the second party workman from 28-9-1981 to 21-3-1982 by deleting the earlier period, so that the second party workman should not claim permanency. It is also an admitted fact that the services of the second party workman were terminated orally without assigning any reason and without giving him an opportunity of being heard and without complying the provisions of the I.D. Act, 1947. It was the case of the first party management that, as the second party workman has not worked for more than 240 days continuously, it was not necessary for the first party to comply the provisions of Section 25F of the I.D. Act. It is an admitted position in law that if a workman does not work for more than 240 days, then, there is no need to comply with the provisions of Section 25F of the I.D. Act. But, in the present case, the first party management was under obligation to place on record the actual working days of the second party workman to prove that it was not obligatory on the part of the management to comply with the provisions of Section 25F of the I.D. Act, but the management has failed to do so.

23. The first party management has examined one witness Shri T. S. R. K. Sharma, who is working as a Scientist with A. R. D. E. Pashan since 1996. Whatever he has stated in his deposition was on the basis of the record and the instructions given to him. He has stated that the second party workman was never the regular employee of the Director, A.R.D.E. The record of the canteen is maintained only for 5 years and after 5 years, the said record is destroyed. But so as to support this oral testimony of the witness, no document has been placed on record by the first party. It was tried by the first party to prove that the document at Sr. No. 2 below Ex. U-15 filed by the second party workman, which is the certificate issued by Shri Venkataraman, is the forged document. The said witness has stated that the said certificate is not counter-signed by the Chairman, Tea Canteen Committee or by Authorised Director of A.R.D.E. He has also stated that the period shown in the said certificate from April 1980 to December 1982 is not in agreement with the official record of A.R.D.E. It is pertinent to note that, when it is the case of the first party management that no record is available and all the record is destroyed, then, how the witness can say that the period shown in the certificate is not in agreement with the official record of A.R.D.E. It means that the official record is available with the first party and the first party has not intentionally filed the said record. It is the grievance of the first party that the experience certificate is not counter-signed by the Chairman of the Tea Canteen Committee or by the Director of A.R.D.E. It is also the case of the first party that normally the Administrative Officer issues such certificate. But so as to prove this oral testimony of the said witness, it was obligatory on the part of the first party to file a copy of any rule or any document to show that there was such a procedure adopted by the first party, but for the best reasons known to the first party management, it has not filed any such document on record. It was also deposed by the said witness that regarding issuance of service or experience certificate, it is the procedure that the concerned person has to make an application to the Director, A.R.D.E. and the Administrative Officer issues the certificate on behalf of the Director, A.R.D.E. after duly verifying the record. The certificate which is filed on record does not bear the file number. From the said deposition, it is clear that the certificate is issued by the management mentioning the file number. It means that there are files prepared regarding every workman. If this is so, then the first party management ought to have filed any file of any employee to show that there was such procedure. There is no reason for the management for not filing the said document on record.

24. It is also admitted by the said witness that the wages of daily rated workers are normally paid from the canteen fund. He has also stated that he does not have any knowledge when the services of the second party workman were terminated, as he has not seen any appointment or termination order of the second party workman, except the documents which are filed on record. It is an undisputed fact that no termination order or no appointment order has been filed on record by the first party. If this is the position, then the question arises, how the witness examined by the first party came to know that the second party workman was in the employment of the first party for a period of 7 months only. It means that the said witness is deposing on the basis of oral information given to him by any other person. Therefore, I am not inclined to believe the evidence adduced by the first party management.

25. Thus, from the evidence adduced by the parties, it is amply clear on record that the second party workman was employed by the first party in the canteen to do the work of vendor and he has worked for more than 240 days. Therefore, it was obligatory on the part of the first party management to give him a notice or one month's wages in lieu of notice and also to pay the retrenchment compensation at the time of terminating his services, but the management has not done so. Hence, it is clear that the first party management has violated the provisions of the I.D. Act. Therefore, the action of the first party management in terminating the services of the second party workman is improper, illegal and against the principles of natural justice. Hence, obviously, the termination of the second party workman is illegal. Hence, I answer the issue accordingly.

26. Once, it is held that the action of the first party management of A.R.D.E., Pashan, in terminating the services of the second party workman is improper, illegal and unjustified, then the question arises to what relief, the workman is entitled to. It is obviously clear that he will be entitled for the reinstatement. The second party workman has prayed that he should be reinstated with continuity of service and back wages. It is pertinent to note that in the present reference, the second party workman has approached the Conciliation Officer after a lapse of 9 years. Therefore, it is clear that he was not diligent in approaching the Tribunal to put up his grievance. Therefore, certainly he will not be entitled for the back wages for the said period. The reference was referred to this Tribunal in the year 1994. Hence, there was also delay in adjudicating the reference. Hence, the second party workman will also not be entitled for the back wages for the said period.

27. The second party workman has stated in his cross-examination that he was unemployed. Though he has stated that since past 13 years, he has not obtained any job and he was unemployed, it needs to be presumed that he might have earned something for his livelihood. It is also an admitted fact that he was daily wage worker. Hence, the second party workman will not be entitled for full back wages. However, taking into consideration the facts and circumstances of the present reference, the second party workman will be entitled for 1/4th back wages.

28. It is an undisputed fact on record that two persons by name Shri Swamy and Shri Karajgi were in the employment of the first party as vendor and in view of the conciliation proceedings, they were reinstated by the first party management and offer of appointment was issued to them on 7-11-1988. On the same basis, the second party workman needs to be appointed by the first party management. With these observations, I proceed to pass the following Award:

#### AWARD

1. The reference is partly allowed.
2. It is hereby declared that the action of the management of A.R.D.E., Pashan, Pune, and the Chairman, Tea Canteen Committee, in terminating the services of the second party Shri Vinayak J. Kamble, an ex-walter is not proper, legal and justified.
3. The first party Sl. No. 2 is directed to allow the second party workman to resume his duties as a vendor

by issuing him the appointment letter, as per the procedure, within the period of two months after the publication of the Award.

4. The first party management is further directed to pay 1/4th back wages to the second party workman from 1-5-1994 till the date he is allowed to resume duties. The arrears of back wages be paid to the second party workman within two months after the publication of the Award.

5. No order as to costs.

6. Award be drawn accordingly.

S. S. HIRURKAR, Industrial Tribunal

नई दिल्ली, 17 दिसम्बर, 1997

का.अ. 93.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ए.आर.डी.ई., पशान, पुणे के प्रबन्धन के संवद्ध नियोक्तों और उनके कर्मचारों के बीच, अनुवैध में विद्विष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, पुणे के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-12-97 को प्राप्त हुआ था।

[सं० एन-14012/14/92-आईआर(डीयू)]

के.वो.बा. उष्णी, डेस्क अधिकारी

New Delhi, the 17th December, 1997

S.O. 93.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Industrial Tribunal, Pune as shown in the Annexure, in the industrial dispute between the employers in relation to the management of A.R.D.E. Pashan, Pune and their workman, which was received by the Central Government on 17-12-97.

[No. L-14012/44/92-IR(DU)]

K. V. B. UNNY, Desk Officer

#### ANNEXURE

BEFORE SHRI S. S. HIRURKAR, INDUSTRIAL TRIBUNAL, MAHARASHTRA AT PUNE

Reference (IT) No. 19 of 1994

#### ADJUDICATION

#### BETWEEN

1. Management of A.R.D.E. Pashan, Pune,
2. The Chairman,  
Tea Canteen Committee,  
C/o. ARDE, Pune.

#### AND

The workmen employed under them.

In the matter of a dispute under the Industrial Disputes Act, 1947.

#### APPEARANCES :

Miss Sandhya Londhe for the First Party.

Mrs. S. S. Khare for the Second Party.

## AWARD

This is a reference referred to this Tribunal for adjudication by the Government of India, Ministry of Labour, New Delhi, by its order dated 29-4-1994 in respect of a dispute between the management of ARDE Pashan, Pune and the workman in respect of the matters specified in the Schedule appended to the Order of Reference. The Schedule of the reference reads as under :

"Whether the action of the management of ARDE, Pashan, Pune in terminating the services of Shri Baban E. Ranpise, an ex-vendor is proper, legal and justified ? If not, to what relief the workman is entitled ?"

2. After the receipt of the reference, notices were issued to the parties. Accordingly, the second party workman and the first party appeared in the Court and filed their statement of claim and written statement, respectively.

3. According to the statement of claim filed by the second party workman, it is his case that he was in the employment of the first party in the canteen as a waiter. Along with him, other employees by name Shri Kamble, Shri Ashok Swami and Shri Mehboob Karajgi were also working in the said canteen from 1st April 1980. The second party workman has worked with the first party canteen from April 1980 to December 1982 and his services were terminated from 1st January 1983, without assigning any reason and without complying the provisions of the Industrial Disputes Act, 1947. Therefore, the second party workman challenged the illegal termination before the Conciliation Officer. The conciliation took place between the parties and the matter could not be settled. Hence, a failure report was submitted and thereafter, the matter has been referred to this Tribunal. It is further submitted by the second party workman that his services were terminated by the first party without any reason, with mala fide intention and against the principles of natural justice. Though the Conciliation Officer has directed the first party to take back the second party in the employment, then also, the first party has not allowed the second party workman to resume his duties. Hence, in the present reference, by filing the statement of claim, the second party workman has prayed that the first party canteen be directed to reinstate the workman with continuity of service and with full back-wages.

4. The first party ARDE Pashan has filed its written statement below Ex. C-5. A preliminary objection was raised that there is no employer-employee relationship between the parties of this reference in question. The second party workman was never in the employment of the first party or he was never appointed or recruited by the first party. He was never on the pay-roll of the first party. Hence, the present reference does not come under the purview of the I.D. Act and the Court has no jurisdiction. Therefore, the preliminary issue regarding the maintainability of the reference be framed and be decided accordingly.

5. The next issue was raised by the first party that the second party workman has approached the Labour Commissioner after a lapse of 9 years. Hence, his application being not bonafide and nowhere he has mentioned or explained the delay and laches in filing the application before the Conciliation Officer, the application is false and frivolous and it deserves to be dismissed and accordingly the reference be rejected.

6. Without prejudice to these contentions, the first party has submitted that it is a department of Union of India under the administrative control of Defence Research and Development Organisation of Govt. of India, Ministry of Defence. Amongst various facilities provided for the employees of the first party, canteen facility is provided and accordingly, a Committee of members called as 'Tea Canteen Committee' is formed by employees of the first party. The said committee manages the day-to-day affairs of the canteen and the said committee consists of Chairman, Vice-Chairman, Secretary and 3 members. The said committee looks after the management of the said canteen. This committee is empowered to take its own decision about the requirement of manual labour for the smooth functioning of the canteen. The canteen committee is an independent body having its own entity. Its accounts are separately maintained

and audited. The second party workman was well aware of the fact and with mala fide intention, he has not made this committee as a party to the present proceeding. Therefore, unless and until the canteen committee is made a necessary party to the present proceeding, the reference will not be maintainable and as it is not maintainable, it should be dismissed.

7. The first party has strongly and strenuously denied the allegations made by the second party workman regarding the working of the workman in the said canteen for the period mentioned in the statement of claim. The first party has denied the contents of all the paras, being false and frivolous. It is denied by the first party that the services of the second party workman are terminated illegally without giving opportunity of being heard. The first party has denied the relationship of master and servant between the first party and the second party workman. It is also denied that the workman by name Shri Swami and Shri Karajgi were reinstated by the first party and the second party workman was denied the said relief and there is any discrimination or mala fide shown by the first party. Lastly, it is submitted by the first party that the contents of the present statement of claim being false, frivolous and baseless and there being no substance in the said statement of claim, the second party workman is not entitled to get any relief, much less the relief of reinstatement with back-wages.

8. Pursuant to the written statement filed by the first party, an application was made by the second party workman for amendment, below Ex. U-5. It was contended in the said application that the Chairman, Tea Canteen Committee, c/o. A.R.D.E. Pashan, Pune, be added as a necessary party to this reference in view of the written statement filed by the first party. After hearing the parties, my Predecessor was pleased to allow the amendment application. Accordingly, the Chairman Tea Canteen Committee was added as first party Sr. No. 2 in the present reference. The said order was not challenged by either of the parties before any authority. Therefore, first party Sr. No. 2 i.e. Chairman, Tea Canteen Committee has filed the written statement below Ex. CA-1. The said written statement is nothing but the repetition of the written statement filed by the first party earlier. The first party Sr. No. 2 also denied the allegations made by the second party workman. It has also denied the relationship of master and servant between the parties. It is denied by first party Sr. No. 2 that the second party workman was employed for the period mentioned in the statement of claim. The first party Sr. No. 2 also submitted that the present reference is not tenable, as the second party workman had approached the Conciliation Officer after a lapse of 9 years and no explanation has been given in the application. It is submitted by first party Sr. No. 2 that the second party workman was neither employed on regular basis at any time nor coming under the pay-roll of Government. The second party workman might have been taken on purely casual/daily wage basis during August 1981 to March 1982 and not for the period quoted in the employment certificate. The said certificate does not reflect truth of his statement and the certificate produced by him does not tally with the period. It is submitted that the second party workman claims that he was employed for 2-1/2 years whereas the certificate produced was for 4 years, also back without the counter signature of the first party. Hence, the first party Sr. No. 2 submitted that the certificate produced by the second party workman is false and forged document, purely obtained with a mala fide intention by the second party workman. Lastly, it is submitted by the first party Sr. No. 2 that the second party workman had worked with the Managing Committee of Tea Canteen purely on temporary basis from 28-8-1981 to 31-3-1982, that too, only on need basis. Hence, he has no locus-standi to file such type of false and frivolous claim against the first party and thereby, he is not entitled to claim any relief against the first party as mentioned in the prayer clause.

9. On the basis of the pleadings of the parties and in view of the schedule of reference, following points arise for my consideration and I record my findings as under, for the reasons mentioned below :

Points	Findings
1. Whether the first party proves that there is no master and servant relationship between the first party and the second party workman ?	—No
2. Whether the first party proves that the reference is barred by limitation ?	—No
3. Whether the action of the management of ARDE, Pashan, Pune, in terminating the services of Shri Baban E. Ranpise, an ex-waiter is proper, legal and justified ?	—No
4. To what relief, the workman concerned is entitled for ?	—The workman is entitled to get the relief, as per final award.

10. At the outset, it needs to be mentioned here that the reference is required to be decided as per the Schedule referred to the Tribunal. But as the first party has raised a preliminary objection regarding the jurisdiction of this Tribunal and maintainability of the reference and requested to frame the said issues, hence, for the sake of argument, those issues were framed, to decide the controversy between the parties. The first party as well as the second party have led the evidence to prove their case.

11. It was the contention of the first party management that the second party workman was never recruited or appointed on any post of this department by the first party or he was never on the pay-roll of the first party. Therefore, the reference in question does not come under the purview of the I.D. Act and this Court has no jurisdiction. For this purpose, it was necessary for the first party to prove that the second party workman was never appointed in the department of the first party. But, it is an admitted fact on record that the first party Sr. No. 2 itself has admitted in its written statement that the second party workman might have been taken on purely casual/daily wage basis during August 1981 to March 1982 and not for the period quoted in the employment certificate. It is also an undisputed fact that the experience certificate was issued by one Shri Venkataraman, who was in the employment of the first party management and he has issued the certificate to the second party workman regarding his period of employment. Therefore, it was necessary for the first party management to prove that the said certificate was not genuine and the second party workman has never worked with the first party management. But, it is pertinent to note that the first party itself has admitted that the second party workman has worked for near about 6-7 months. If, once it is admitted that the workman has worked for 6-7 months, then, the responsibility and burden lies on the first party to prove that the second party workman was not employed for more than that period. In the present case, a notice was issued by the second party workman to the first party to produce the muster-rolls for the period from 1979 to 1986, but the said documents were not produced by the first party on the ground that the record was destroyed. It is pertinent to note that nowhere in the written statement, it is the contention of the first party that there is a procedure to destroy the record after a period of 5 years. So also, the first party has not placed on record any document to show that the record was destroyed.

12. It is also an admitted position that one Shri Ashok Kumar Swamy and Shri Karajgi were in the employment of the first party and they were taken back in the employment by the first party after the conciliation was started. When the record of Shri Swamy and Shri Karajgi who were working along with the second party workman, was available, then the record regarding the second party workman should have been produced by the first party. Therefore, as the first party has failed to produce any record to show that the second party workman was not in the employment of the first party, so also, when it is admitted by the first party that the second party workman was employed by the Tea Canteen Committee to work on purely daily wage basis as a vendor in the canteen, then it was the responsibility

of the first party Sr. No. 2 to prove that the second party workman has only worked for the period of 6-7 months. Presuming that the workman has worked for 6-7 months with first party Sr. No. 2 in the canteen, then, it becomes very much clear that there is a master and servant relationship between the first party Sr. No. 2 and the second party workman. It is an admitted fact that the Tea Canteen Committee is appointed by the first party and the Director of the First party is the Chairman of the said Tea Canteen Committee. Therefore, obviously, it is clear that there is relationship of master and servant between the first party and the second party workman. Hence, I am constrained to hold that the first party management has failed to prove that there is no master and servant relationship between the first party and the second party workman. Hence, I answer the issue accordingly.

13. The next objection was raised by the first party management regarding the maintainability of the present reference, as it was barred by limitation. It is the contention of the first party that the present reference was referred to this Tribunal by the Govt. after lapse of 9 years. The second party workman has approached the Govt. after a lapse of 9 years. Therefore, the reference is not tenable. It is pertinent to note that the first party has not placed record any provision to show that there is any limitation provided for approaching the Conciliation Officer. It is a well settled principle of law and well established position in law that it is the discretionary power of the Govt. to refer the matter for adjudication to the Tribunal after going through the facts of the case. Once, the reference has been adjudicated by the Govt. or the Tribunal, there could not be any grievance on the part of the parties to say that the said reference is barred by limitation. It was also contended by the first party that the second party workman has not given any explanation for such delay and laches. It has been categorically stated by the second party workman that he has approached the Conciliation Officer after knowing that Shri Swamy and Shri Karajgi were reinstated by the first party, as they had approached the Conciliation Officer. On the basis of the said proceeding and knowing that Shri Swamy and Shri Karajgi were reinstated, the second party workman has approached the Conciliation Officer. It is the case of the second party workman that he was working in the canteen of the first party along with Shri Swamy and Shri Karajgi. The complainant was not knowing the procedure of law, to whom he should approach. After knowing that Shri Swamy and Shri Karajgi approached the Conciliation Officer after their termination and they have succeeded in getting the employment, the complainant has approached the Conciliation Officer. The Conciliation Officer after making due enquiry, submitted the failure report to the Govt. and accordingly, the Central Govt. has referred this reference to this Tribunal. Therefore, I do not find any substance in the objection raised by the first party management that the reference is barred by limitation. Hence, I answer the issue accordingly.

14. After answering both the issues, now, it needs to consider the Schedule of reference, i.e. the issue whether the action of the management of ARDE, Pashan, Pune, in terminating the services of Shri Baban E. Ranpise, an ex-waiter is proper, legal and justified ? If not, to what relief, the workman concerned is entitled for ? So as to decide the issue, it is necessary to go through the facts of the present case.

15. Before going through the facts of the case, I find it necessary to mention here that, after the dispute was referred for adjudication to this Tribunal, only the Director, ARDE Pashan, Pune was made as a first party. Thereafter, an objection was raised by the first party management that the Chairman, Tea Canteen Committee is the necessary party to the present reference, as the day-to-day working of the canteen is looked after by the said Committee. On the basis of the pleadings raised in the written statement, the second party workman filed an application for amendment and for joining the Chairman, Tea Canteen Committee as a party. Accordingly, the Chairman, Tea Canteen Committee was joined as first party Sr. No. 2. The said order was not challenged by either of the parties. Therefore, it is presumed that the said order has been admitted by both the parties. Accordingly, the Chairman, Tea Canteen Committee i.e. first party Sr. No. 2 appeared before the Tribunal and submitted its written statement and also adduced the evidence.



16. Now, the facts of the case are that admittedly the second party workman was appointed on daily wages as a vendor in the canteen of the first party. No doubt, the said canteen has been run by the Chairman, Tea Canteen Committee. But it is an admitted position that the funds are provided by the Govt. and the said canteen is run for the welfare of the employees of the first party. The dispute is only regarding the number of days worked by the second party workman. According to the second party workman, he has worked from April 1980 to December 1982 and his services were terminated from 1st January, 1983 without assigning any reason or without giving any notice to him or without complying the provisions of Section 25F of the I.D. Act. Therefore, according to the second party workman, the termination is illegal, improper and bad in law, whereas, it is the contention of the first party Sr. No. 1 that he was never in the employment of the first party ARDE Pashan, but he might have been in the employment of the canteen, i.e. first party Sr. No. 2. Therefore, it is an undisputed fact that the second party workman was in the employment of the first party. Now, only point arises for consideration is whether he has worked for more than 240 days or not.

17. The second party workman has led oral evidence to prove his contention. But prior to that, a notice was issued by the second party workman to the first party to produce the muster-rolls and wage registers, for the said period, but the said documents were not filed on record only on the ground that the record has been destroyed. Once it is admitted that the record is destroyed, then there is no alternative rather than to rely on the oral evidence. However, prior to relying on the oral evidence, it needs to be considered here that the first party management has not produced on record any document to show that the record was really destroyed. It is a general procedure adopted by the Govt. that at the time of destroying any record, necessary directions are sought from the Head of the Department and a note to that effect is placed on record, but the first party management has not placed any document to that effect. Therefore, adverse inference needs to be drawn in the present case that the record was not destroyed, but it was not intentionally filed in the present proceeding.

18. The second party workman has examined himself below Ex. UW-1. He has categorically stated that he has worked as a waiter in the canteen upto 1983. His services were terminated by the first party from 1-1-1983, without assigning any reason and without following due process of law. He has also stated that there were near about 20 employees working in the canteen along with him. He has further stated that as he had asked the first party to make him permanent, his services were terminated. He has also deposed that he has worked with the first party from April 1980 to December 1982. Along with him, two persons by name Mehboob Karajgi and Ashok Kumar Swamy were working. He came to know that Shri Swamy and Shri Karajgi were reinstated by the first party. Therefore, he has made application on 5-3-1991 to the first party requesting the first party to take him in the employment, but his request was not considered. The second party workman has heavily relied on the certificate issued by Shri Venkataraman, who was the Accounts Officer of the first party management. In the said certificate, it has been categorically mentioned that the second party workman has worked in the Tea Canteen for about four years.

19. The second party workman was cross-examined at length by the Counsel for the first party management. In the cross-examination, it was tried to suggest that the experience certificate produced on record was obtained by the second party workman by misrepresentation and by joining hand with Shri Venkataraman and the said certificate was not genuine one and it is forged document. It is an admitted fact that the said certificate was issued by Shri Venkataraman on 13-11-1984 and it was attested by Shri W.V. Date, who is in the employment of the first party. At the time of issuing the said certificate, Shri Venkataraman was working with the first party as Accounts Officer. Therefore, it needs to be presumed that the said certificate was issued by Shri Venkataraman in the capacity of Officer. If the said certificate was bogus and was issued by Shri Venkataraman without any authority, then, it was obligatory on the part of the first party to bring Shri Venkataraman as a witness in the Court and examine him to falsify the said certificate, but

the first party has failed to do so mentioning that Shri Venkataraman has been retired from service. It needs to be pointed out here that the first party management was having the knowledge of the said certificate issued by Shri Venkataraman. Therefore, a letter was issued by the management on 29-12-1992 to Shri N. V. Venkataraman asking him to state the premises on which he had given certificates to Shri Ranpise and Shri V. J. Kamble, but no reply was received from Shri Venkataraman. In absence of any reply from Shri Venkataraman or any denial from his part that the said certificate was not issued by him, it needs to be accepted that the certificate was a genuine one.

20. Another issue was raised by the first party management that there was a procedure with the first party to issue the certificate in a specific proforma, but no proforma has been placed on record or no document has been placed on record by the management to show the procedure of issuing the experience certificate. An application below Ex. C-21 was filed by the Counsel for the first party praying to allow the production of document on record when the evidence of the second party workman was over. The said document is nothing but a blank proforma of Service Discharge Certificate. But the said production was not allowed, as the evidence stage was over. Therefore, I do not find any substance or any reason to disbelieve the experience certificate produced on record by the second party workman, for the reason that the first party management has failed to prove that the said certificate was not genuine.

21. The first party management itself has placed on record certain documents below Ex. C-13 to show the status of employees of canteen established in Defence Industrial Installations and to show that there were only 12 employees and the second party workman was never in the employment of the first party. If the second party workman would have been in the employment of the first party, then his name would have been placed on record while issuing the information in reference to the Govt. Circular dt. 25-7-1981. It is an admitted fact that in view of the said Govt. Circular, the daily wages workers who were in the employment of the first party Sr. No. 2 canteen were made permanent from 22-10-1980. It is the case of the first party that, as the second party workman was not in the employment of the first party on 22-10-1980, he was not made permanent. It is pertinent to note that it is the case of the second party workman that as he had demanded permanency, his services were terminated. If the second party was never in the employment of the first party, then, the question of making him permanent does not arise. So also, his name will not come in the said list. But, it is an admitted fact on record that, according to the first party, the second party workman was in the employment of the first party, from 28-8-1981 to 31-3-1982. No explanation has been given by the witness examined by the first party, from which record this period has been mentioned by him. It is also the case of the first party that the second party workman was working in the canteen as a casual employee on daily wages as and when required. If the workers were engaged on daily wages, as and when required then there ought to be a register maintained by the first party regarding the payment of daily wages, but the first party has not placed on record the said registers.

22. From the record, it is seen that the first party management has specifically mentioned the period of employment of the second party workman from 28-8-1981 to 31-3-1982 by deleting the earlier period, so that the second party workman should not claim permanency. It is also an admitted fact that the services of the second party workman were terminated orally without assigning any reason and without giving him an opportunity of being heard and without complying the provisions of the I.D. Act, 1947. It was the case of the first party management that, as the second party workman has not worked for more than 240 days continuously, it was not necessary for the first party to comply the provisions of Section 25F of the I.D. Act. It is an admitted position in law that, if a workman does not work for more than 240 days, then, there is no need to comply with the provisions of Section 25F of the I.D. Act. But, in the present case, the first party management was under obligation to place on record the actual working days of the second party workman to prove that it was not obligatory on the part of the management to comply with the provisions of Section 25F of the I.D. Act, but the management has failed to do so.

23. The first party management has examined one witness Shri T.S.R.K. Sharma, who is working as a Scientist with A.R.D.E. Pashan since 1996. Whatever he has stated in his deposition was on the basis of the record and the instructions given to him. He has stated that the second party workman was never the regular employee of the Director, A.R.D.E. The record of the canteen is maintained only for 5 years and after 5 years, the said record is destroyed. But so as to support this oral testimony of the witness, no document has been placed on record by the first party. It was tried by the first party to prove that the document at Sr. No. 2 below Ex. C-15 filed by the second party workman, which is the certificate issued by Shri Venkataraman, is the forged document. The said witness has stated that the said certificate is not counter-signed by the Chairman, Tea Canteen Committee or by Authorised Director of A.R.D.E. He has also stated that the period shown in the said certificate is not in agreement with the official record of A.R.D.E. It is pertinent to note that, when it is the case of the first party management that no record is available and all the record is destroyed, then, the witness can say that the period shown in the certificate is not in agreement with the official record of A.R.D.E. It means that the official record is available with the first party and the first party has not intentionally filed the said record. It is the grievance of the first party that the experience certificate is not counter-signed by the Chairman of the Tea Canteen Committee or by the Director of A.R.D.E. It is also the case of the first party that normally the Administrative Officer issues such certificate. But so as to prove this oral testimony of the said witness, it was obligatory on the part of the first party to file a copy of any rule or any document to show that there was such a procedure adopted by the first party, but for the best reasons known to the first party management, it has not filed any such document on record. It was also deposed by the said witness that regarding issuance of service of experience certificate, it is the procedure that the concerned person has to make an application to the Director, A.R.D.E. and the Administrative Officer issues the certificate on behalf of the Director, A.R.D.E. after duly verifying the record. The certificate which is filed on record does not bear the file number. From the said deposition, it is clear that the certificate is issued by the management mentioning the file number. It means that there are files prepared regarding every workman. If this is so, then the first party management ought to have filed any file of any employee to show that there was such procedure. There is no reason for the management for not filing the said document on record.

24. It is also admitted by the said witness that the wages of daily rated workers are normally paid from the canteen fund. He has also stated that he does not have any knowledge when the services of the second party workman were terminated, as he has not seen any appointment or termination order of the second party workman, except the documents which are filed on record. It is an undisputed fact that no termination order or no appointment order has been filed on record by the first party. If this is the position, then the question arises, how the witness examined by the first party came to know that the second party workman was in the employment of the first party for a period of 7 months only. It means that the said witness is deposing on the basis of oral information given to him by any other person. Therefore, I am not inclined to believe the evidence adduced by the first party management.

25. Thus, from the evidence adduced by the parties, it is amply clear on record that the second party workman was employed by the first party in the canteen to do the work of vendor and he has worked for more than 240 days. Therefore, it was obligatory on the part of the first party management to give him a notice or one month's wages in lieu of notice and also to pay the retrenchment compensation at the time of terminating his services, but the management has not done so. Hence, it is clear that the first party management has violated the provisions of the I.D. Act. Therefore, the action of the first party management in terminating the services of the second party workman is improper, illegal and against the principles of natural justice. Hence, obviously, the termination of the second party workman is illegal. Hence, I answer the issue accordingly.

26. Once it is held that the action of the first party management of A.R.D.E. Pashan, in terminating the services of

the second party workman is improper, illegal and unjustified, then the question arises to what relief the workman is entitled to. It is obviously clear that he will be entitled for the reinstatement. The second party workman has prayed that he should be reinstated with continuity of service and back-wages. It is pertinent to note that in the present reference, the second party workman has approached the Conciliation Officer after a lapse of 9 years. Therefore, it is clear that he was not diligent in approaching the Tribunal to put up his grievance. Therefore, certainly, he will not be entitled for the back-wages for the said period. The reference was referred to this Tribunal in the year 1994. Hence, there was also delay in adjudicating the reference. Hence, the second party workman will also not be entitled for the back-wages for the said period.

27. The second party workman has stated in his deposition that he was earning Rs. 500/- per month. It is also an admitted fact that he was daily wage-worker. Hence, the second party workman will not be entitled for full back-wages. However, taking into consideration the facts and circumstances of the present reference, the second party workman will be entitled for 1/4th back-wages.

28. It is an undisputed fact on record that two persons by name Shri Swamy and Shri Karaigi were in the employment of the first party as vendor and in view of the conciliation proceedings, they were reinstated by the first party management and offer of appointment was issued to them on 7-11-1988. On the same basis, the second party workman needs to be appointed by the first party management. With these observations, I proceed to pass the following Award :

#### AWARD

1. The reference is partly allowed.
2. It is hereby declared that the action of the management of A.R.D.E. Pashan, Pune, and the Chairman, Tea Canteen Committee in terminating the services of the second party Shri Baban E. Ranpise, an ex-waiter is not proper, legal and justified.
3. The first party Sr. No. 2 is directed to allow the second party workman to resume his duties as a vendor by issuing him the appointment letter, as per the procedure, within the period of two months after the publication of the Award.
4. The first party management is further directed to pay 1/4th back-wages to the second party workman from 1-5-1994 till the date he is allowed to resume duties. The arrears of back-wages be paid to the second party workman within two months after the publication of the Award.
5. No order as to costs.
6. Award be drawn accordingly.

S. S. HIRURKAR, Industrial Tribunal

नई दिल्ली, 19 दिसम्बर, 1997

का.आ.94.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसार में, केन्द्रीय सरकार विदेश संचार निगम लिमिटेड, देहरादून के प्रबंधन के संबंध नियोजकों और उनके कमकारों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नई दिल्ली के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 19-12-97 को प्राप्त हुआ था।

[सं. एल-40012/134/91-आईआर (डीयू)]

के.डी.वी. उषा, ईएक अधिकारी



New Delhi, the 19th December, 1997

S.O. 94.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, New Delhi as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Videsh Sanchar Nigam Ltd., Dehradun and their workman, which was received by the Central Government on 19-12-1997.

[No. L-40012/134/91-IR (DU)]

K. V. B. UNNY, Desk Officer.

#### ANNEXURE

BEFORE SHRI GANPATI SHARMA : PRESID-  
ING OFFICER : CENTRAL GOVT. INDUS-  
TRIAL TRIBUNAL : NEW DELHI  
I.D. No. 6/92

In the matter of dispute :

#### BETWEEN

Shri Kalam Singh S/o Shri Laxmi Chandra  
Village Nathanpur P.O. Nehrugram  
via Raipur O.F. Dehradun-248008.

#### Versus

Deputy General Manager, (D.U.)  
Videsh Sanchar Nigam Limited  
Ahmad Satalite Earth Station  
Lachhiwala P.O. Doiwala (Dehradun)-248140

#### APPEARANCES :

Shri R. P. Goyal for the Workman.

Shri S. D. Mohan for the Management.

#### AWARD

The Central Government in the Ministry of Labour vide its Order No. L-40012/134/91-I.R. (DU), dated 6-1-1992 has referred the following industrial dispute to this Tribunal for adjudication :—

“Whether the action of the Management of Videsh Sanchar Nigam Limited, Dehradun in terminating the services of Shri Kalam Singh S/o Shri Laxmi Chandra w.e.f. 31-01-91 (A.N.) is legal and justified? If not, what relief the workman is entitled to?”

2. The Hon'ble Supreme Court in case 1996 LLR 483 Sub-Divisional Inspector of Posts, Vaikam and others Vs. Theyyam Joseph etc. laid down the law regarding P & T department/Telecommunication being not an 'Industry' it was held as follows :—

“Held Directive principles of State policy enjoin on the State diverse duties under Part IV of the Constitution and the performance of the duties are constitutional functions. One of the duty is of the State to provide telecommunication service to the general public and an amenity and so is one essential part of the sovereign functions of the State as a welfare State. It is not, therefore, an industry.”

3. In view of this situation since the management is not an industry so the reference under section 10 I. D. Act is not maintainable to this Tribunal. However, parties are at liberty to approach any appropriate court or forum for redressal of their grievance according to law. Parties are left to bear their own costs.

1st Dec. 1997.

GANPATI SHARMA, Presiding Officer.

नई दिल्ली, 15 दिसम्बर, 1997

का.आ.95.—औद्योगिकविवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार कर्मचारी राज्य बीमा निगम के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निश्चित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, जबलपुर के पंचवट को प्रकाशित करती है, जो केन्द्रीय सरकार को 15-12-97 को प्राप्त हुआ था।

[सं. एल-15012/5/37-डी-2(बी)]

बी. एम. डेविड, डेस्क अधिकारी

New Delhi, the 15th December, 1997

S.O. 95.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Jabalpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Employees State Insurance Corporation and their workman, which was received by the Central Government on 15-12-1997.

[No. L-15012/5/87-D-2 (B)]

B. M. DAVID, Desk Officer.

#### अनुबंध

केन्द्रीय औद्योगिक अधिकरण एवं श्रम न्यायालय,

जबलपुर (म.प्र.)

डी. एन. दीक्षित

पीठासीन अधिकारी

प्र. क्र. सीजीआईटी/एससी(आर) (83)/89

श्रीमति आशा गेहलोद,

पत्नी श्री ब्रजमोहन गेहलोद,

निवासी : “मंगली सदन”

2, एम.आई.जी., लक्ष्मी नगर कालोनी,

उज्जैन-456 001 (म.प्र.)

... प्रार्थी

विव.

क्षेत्रीय निदेशक,

कर्मचारी राज्य बीमा निगम,

भोक्कल चैम्बर्स, आठवीं मंजिल,

11, डॉ. सरजू प्रसाद मार्ग,

इन्दौर (म.प्र.)

प्रतिप्राथी

अर्थात्

19 नवम्बर, 1997

1. भारत सरकार, श्रम मंत्रालय, नई दिल्ली ने आने आदेश सं० एन-15012/5/87-डी० 2(बी)/डी-3 (बी) दिनांकित 3-4-1989 के द्वारा निम्नलिखित विवाद निराकरण हेतु व्याप्यधिकरण को प्रेषित किया है :-

### SCHEDULE

“Whether the action of the management of Employee's State Insurance Corporation, M. P. Region, Indore, in terminating the services of Smt. Asha Gehlod, LDC vide their Office Order No. 18-A/12/15/4/83-Estt., dated 15-4-1986 is justified? If not, what relief is the workman entitled to?”

2. दोनों पक्षों को स्वीकार है कि श्रमिक अशमि आशा गेहलोद कर्मचारी राज्य बीमा निगम के उच्चतम कार्यालय में निम्न श्रेणी निपिक के पद पर कार्यरत थी। श्रमिक की नियुक्ति रोजगार कार्यालय के माध्यम से चयन के पश्चात की गई थी श्रमिक ने दिनांक 24-4-81 से 7-1-86 तक इस कार्यालय में काम किया। श्रमिक को 90 दिन का कार्य आदेश दिया जाता था और एक या दो दिन के रोक के बाद पुनः दूसरा आदेश दिया जाता था। प्रतिप्रार्थी ने श्रमिक को 19 नियुक्ति आदेश इस अवधि के कार्य के लिए दिये।

3. श्रमिक के अनुसार उसे रोजगार कार्यालय ने प्रतिप्रार्थी के पास निम्न श्रेणी निपिक के चयन हेतु सेवा था। प्रतिप्रार्थी ने एक चयन समिति गठित की और इस समिति ने श्रमिक को नियुक्ति के लिए योग्य पाया। चयन समिति की अनुमति पर श्रमिक को नियुक्ति निम्न श्रेणी निपिक के पद पर दी गई और उसे उच्चतम कार्यालय में नियुक्त किया गया। इस आदेश में अस्थाई होने के संबंध में कोई उल्लेख नहीं है। प्रतिप्रार्थी ने नियमों के प्रतिकूल और विधान के विरुद्ध श्रमिक को एक बार में केवल 3 माह का निश्चित आदेश दिया और एक-दो दिन के बाद दूसरा नियुक्ति आदेश दिया। श्रमिक ने केवल एक बार चयन समिति के सदस्य साक्षात्कार दिया और उसी आधार पर उसे लगातार काम मिलता रहा। प्रतिप्रार्थी ने जानबूझकर श्रमिक की सेवाओं में द्वेष दिया। श्रमिक को प्रसव के लिए चिकित्सक ने अवकाश लेने की अनुमति दी और श्रमिक ने 90 दिन अवकाश का आवेदन दिनांक 8-1-86 को दिया। प्रसव पश्चात् श्रमिक ने दिनांक 9-4-86 को उच्चतम कार्यालय में कार्य करने का आवेदन दिया। दिनांक 9-4-86 को श्रमिक को सेवाएं समाप्त की गई। सेवा समाप्त का आदेश दिनांक 7-1-86 से प्रभावशील किया गया। इस आदेश को श्रमिक के घर में अस्त, 86 में जमाकर दिया गया। श्रमिक ने महायुक्त अमायुक्त (केन्द्रीय), भोपाल को दिनांक 19-5-86 को आवेदन दिया। श्रमिक को सेवा समाप्त का आदेश अवैधानिक तथा नियमों के विपरीत है। श्रमिक चाहती है कि सेवा समाप्त का आदेश

निरस्त किया जाए। उसे निरंतर सेवा में माना जाए तथा उसे अवधि का वेतन, बोनस तथा अन्य लाभ दिए जाएं।

4. प्रतिप्रार्थी कर्मचारी राज्य बीमा निगम ने अपने उत्तर में कहा है कि श्रमिक की नियुक्ति तदर्थ रूप की थी और पूरे सेवाकाल में वह तदर्थ ही रही। कर्मचारी बीमा निगम एक्ट, 1948 के अनुसार प्रत्येक कर्मचारी को विभागीय परीक्षा पास करना अनिवार्य है। श्रमिक विभागीय परीक्षा में बार बार फेली और फेल हो गई ऐसी स्थिति में उसे स्थाई नियुक्ति नहीं दी गई। श्रमिक विभागीय परीक्षा पास नहीं कर सकी, इसलि उसे सेवा से पृथक् किया गया। प्रत्येक बार श्रमिक को केवल 3 माह की नियुक्ति दी गई थी। ऐसी स्थिति में उसे स्थाई होने की पात्रता नहीं है। श्रमिक लगातार सेवा में नहीं रही, इस आधार पर भी उसे स्थाई होने की पात्रता नहीं है।

5. श्रमिक रोजगार कार्यालय के माध्यम से प्रतिप्रार्थी के पास आई थी और चयन समिति ने उसका साक्षात्कार लिया था। उसके पश्चात उसे नियुक्ति पत्र प्रदर्श-2 दिया गया। इस नियुक्ति पत्र में यह उल्लेख नहीं है कि उसे केवल 3 माह के लिए नियुक्त किया गया। इसमें यह भी उल्लेख नहीं है कि उसे नियुक्ति अस्थाई रूप में दी गई थी। यह भी उल्लेख नहीं है कि उसे विभागीय परीक्षा पास करनी होगी। इस आदेश को पढ़ने से यह ज्ञात होता है कि श्रमिक को स्थाई पद पर स्थाई नियुक्ति दी गई है।

6. नियुक्ति आदेश के विपरीत श्रमिक को 90 दिन पश्चात सेवा से मुक्त कर दिया गया। इसके बाद एक दिन का अवकाश देकर पुनः 90 दिन के लिए नियुक्त किया गया। ऐसा 19 बार किया गया। प्रतिप्रार्थी के अनुसार श्रमिक 24-6-81 से 7-1-86 तक उनके उच्चतम कार्यालय में तदर्थ रूप में कार्यरत रही। प्रतिप्रार्थी के क्षेत्रीय निदेशक श्री पी. वरुणा ने अपनी अवय-पत्र इस न्यायालय में दिया है। प्रतिपरीक्षण की कॉडिका-14 में इन्होंने कहा है “यह बात सही है कि प्रथम पक्ष को नियुक्ति जिस पद पर दी गई थी, वह पद स्थाई था”। इस प्रकार श्रमिक की नियुक्ति स्थाई पद पर हुई थी।

7. प्रतिप्रार्थी का यह कहना है कि श्रमिक को विभागीय परीक्षा उत्तीर्ण करना आवश्यक था। इसका कोई भी उल्लेख आदेश प्रदर्श-2 दिनांक 18-6-81 में नहीं है। प्रतिप्रार्थी के अनुसार श्रमिक ने बार बार दिनांक 4-7-82, 13-3-83, 12-8-84 और 19-9-85 को विभागीय परीक्षा दी। श्रमिक इस परीक्षा में असफल रही, इस कारण उसे सेवामुक्त किया गया। श्रमिक को लगातार 24-6-81 से 7-1-86 तक सेवा में रखा गया, अगर विभागीय परीक्षा आवश्यक थी तो प्रथम बार ही इसमें फेल होने पर श्रमिक को सेवा से पृथक् कर देना था। लगातार 6 वर्ष तक उससे प्रतिप्रार्थी ने कार्य लिया है, इसका एक

ही निष्कर्ष है कि श्रमिक अपने कार्य में कुशल थी। पूरे सेवा अवधि में ऐसा कोई नोटिस श्रमिक को नहीं दिया गया कि अगर वह विभागीय परीक्षा उत्तीर्ण नहीं होगी तो उसे सेवा में पृथक् कर दिया जाएगा। इसमें भी यह ज्ञात होता है कि विभागीय परीक्षा सेवा के लिए आवश्यक नहीं थी। संभवतः प्रमोशन के लिए ऐसी परीक्षा का प्रावधान है।

8. श्रमिक ने प्रसव के लिए अवकाश का आवेदन दिनांक 8-1-96 को दिया। इस आवेदन पर कोई भी निर्णय प्रतिप्राप्ति में नहीं लिया तथा दिनांक 9-4-86 को प्रतिप्राप्ति ने प्रसव पश्चात् ज्यादातर रिपोर्ट दी। श्रमिक को जब कार्य पर नहीं लिया तब उसने दिनांक 19-5-86 को सहायक अमायुक्त, भोपाल को आवेदन दिया। इसके पश्चात् प्रतिप्राप्ति ने दिनांक 4-7-86 को श्रमिक की सेवाएं समाप्त की और इसमें तारीख दिनांक 15-4-86 डाली। सेवा समाप्ति का दिनांक 7-1-86 रखा। यह आदेश प्रदर्श-28 है। पुरानी तारीख से सेवा समाप्ति करना संदेहास्पद है। यह आदेश जब श्रमिक सहायक अमायुक्त, भोपाल के समक्ष पहुंची तब दिनांक 4-7-86 को जारी किया गया। इस तथ्य से भी यह आदेश विधिवत नहीं है और प्रतिप्राप्ति के अधिकारी ने केवल अपनी बचत के लिए जारी किया है। इस आदेश में उल्लेख है कि एक माह का वेतन श्रमिक को नोटिस के एवज में दिया जावेगा। अगर वास्तव में श्रमिक तदर्थ कर्मचारी थी तो उसे एक माह के नोटिस के एवज में वेतन देने का कोई औचित्य नहीं है। इस तथ्य से भी यह ज्ञात होता है कि श्रमिक से लगानार 6 वर्ष काम लिया गया है, इस कारण उसे एक माह का वेतन की पात्रता बताई।

9. श्रमिक ने वर्ष 82, 83, 84, 85 में 240 दिन से ज्यादा कार्य किया है, ऐसी स्थिति में धारा—25, औद्योगिक विवाद अधिनियम के अंतर्गत उसे सेवा समाप्ति के पूर्व नोटिस की पात्रता थी, इसका पालन प्रतिप्राप्ति ने नहीं किया। प्रतिप्राप्ति ने एक माह के वेतन का भुगतान किया यह बात सिद्ध नहीं की, जबकि श्रमिक का कहना है कि उसे एक माह का वेतन नोटिस के एवज में नहीं दिया गया। इस प्रकार प्रतिप्राप्ति ने अवैध रूप में श्रमिक की सेवा समाप्त की है।

10. माननीय उच्चतम न्यायालय ने यू. पी. एंड कार्पोरेशन और अन्य विरुद्ध कृष्णकुमार दुबे के प्रकरण में जो 1988—एफ. एल. आर., पृष्ठ 1137 में सुनिहित है, यह प्रतिपादित किया है कि जहां पर श्रमिक ने 240 दिन से ज्यादा कार्य किया है और धारा 25, औद्योगिक विवाद अधिनियम, 1947 के प्रावधानों का उल्लंघन है और श्रमिक में कनिष्ठ लोगों को नौकरी में रखा गया है, वहां मेधामुक्ति का आदेश अवैधानिक है तथा श्रमिक को लगानार सेवा में मासत हुए वेतन देने के आदेश दिए हैं।

11. माननीय उच्चतम न्यायालय ने रविनारायण महापात्र विरुद्ध डीसीआ शासन के निर्णय में जो एफ. एल. आर.—1991, पृष्ठ—732 में सुनिहित है, यह निर्धारित किया है कि जहां पर श्रमिक को 89 दिन के लिए सेवा में रखा गया है और वह 4 वर्ष तक लगातार 89 दिन की सेवा में कार्य किया और बीच में एक दिन का ब्रेक रहा, वहां पर श्रमिक को नियुक्ति दिनांक से ही स्थाई मानना चाहिए।

12. ऊपर लिखी विवेचना का निष्कर्ष है कि श्रमिक दिनांक 24-6-81 से प्रतिप्राप्ति का नियमित कर्मचारी है और वेतन तथा वेतनवृद्धि और दूसरी सुविधा पाने की अधिकारिणी है। उसकी निम्न श्रेणी लिपिक की पदस्थापना दिनांक 24-6-81 से निरन्तर मानी जावेगी। यही अवाई इस प्रकरण में दिया जाना है। श्रमिक का खर्च प्रतिप्राप्ति इस प्रकरण का वहन करें। उनके अभिमात्रक की फीन रुपये 1000/—निर्धारित की जा रही है।

13. नियमानुसार अवाई की प्रतियां भारत सरकार, श्रम मंत्रालय को भेजी जाती है।

डी. एन. दीक्षित, पीठासीन अधिकारी

नई दिल्ली, 17 दिसम्बर, 1997

का.ग्रा. 96.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार बोकारो स्टील प्लांट के प्रबंधन के संबंध में निरीक्षकों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, धनबाद के पंचपटको प्रकाशित करती है, जो केन्द्रीय सरकार को 17-12-97 को प्राप्त हुआ था।

[सं. एल-26011/9/85-डी-III (बी)]

बी. एम. डेविड, डेस्क अधिकारी

New Delhi, the 17th December, 1997

S.O. 96.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Dhanbad as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Bokaro Steel Plant and their workman, which was received by the Central Government on the 17-12-1997.

[No. L-26011/9/85-D-III (B)]

B. M. DAVID, Desk Officer.

## ANNEXURE

नई दिल्ली, 17 दिसम्बर, 1997

BEFORE THE CENTRAL GOVERNMENT  
INDUSTRIAL TRIBUNAL (NO. 2) AT  
DHANBAD

## PRESENT :

Shri B. B. Chatterjee, Presiding Officer.

In the matter of an Industrial Dispute under  
Section 10(1)(d) sub-section (2-A) of  
the I. D. Act, 1947.

REFERENCE NO. 113 OF 1987.

## PARTIES :

Employers in relation to the management of  
Bokaro Steel Plant and their workman.

## APPEARANCES :

On behalf of the Workman : Shri Shyamal  
Kumar Ghosal, the concerned workman.On behalf of the Employers : Shri P. C. Tewari,  
Manager (P-1).

STATE : Bihar. INDUSTRY : Lime Stone.

Dhanbad, the 28th November, 1997

## AWARD

The Government of India, Ministry of Labour, in exercise of the powers conferred on them under Sections 10(1)(d) and sub-section (2-A) of the I. D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-26011/9/85-D. III (B), dated the 3rd April 1987.

## SCHEDULE

"Whether the action of the management of Bhawanathpur Lime Stone Mines of Bokaro Steel Plant, Bhawanathpur in terminating the services of Shri Shyamal Kumar Ghosal, Mining Mate w.e.f. 31-12-1982 is justified? If not, to what relief the workman is entitled?"

2. The record is put up to-day. Seen the petitions filed on the side of the management and on the side of the workman stating the reference case of similar nature in respect of self same workman was pending before Central Government Industrial Tribunal No. 1, Dhanbad which has since been decided by an Award passed in connection with Reference Case No. 37/89. The present reference case being identical to that of the reference case pending in Central Government Industrial Tribunal No. 1, Dhanbad between the same parties the same in view of the Award passed in other reference case is infructuous and is liable to be disposed accordingly. I pass an Award disposing of the reference in terms of the observation made above.

B. B. CHATTERJEE, Presiding Officer.

कां.प्रा० 97.—श्रीयोगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार यू० पी० सीमेंट कार्पोरेशन लि. के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निहित श्रीयोगिक विवाद में केन्द्रीय सरकार श्रीयोगिक अधिकारण, कानपुर के पंचायत को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-12-97 को प्राप्त हुआ था।

[सं. एन-29012/20/96-आई आर (विविध)]

बी. एम. डेविड, डेस्क अधिकारी

New Delhi, the 17th December, 1997

S.O. 97.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of U. P. State Cement Corporation Ltd., and their workman, which was received by the Central Government on the 17-12-1997.

[No. L-29012/20/96-IR (Misc.)]

B. M. DAVID, Desk Officer

## ANNEXURE

BEFORE SHRI B. K. SRIVASTAVA, PRESIDING  
OFFICER, CENTRAL GOVERNMENT INDUS-  
TRIAL TRIBUNAL-CUM-LABOUR COURT  
PANDU NAGAR, KANPUR.

Industrial Dispute No. 78 of 1996.

In the matter of dispute :

## BETWEEN

Vice President,

Bhartiya Cement Udyog Mazdoor Sangh,  
Dalla District Sonbhadra U. P.

## AND

General Manager,

U. P. State Cement Corporation Limited,  
Unit Dalla, Dalla Cement Factory,  
Dalla District Sonbhadra, U. P.

## AWARD

1. Central Government, Ministry of Labour, vide Notification No. L-29012/20/96-I.R. (Misc.), dated 12-8-1996, has referred the following dispute for adjudication to this Tribunal :—

"Whether the action of the management of Dalla Cement Factory Dalla Sonbhadra U. P. State Cement Corp. Ltd. in awarding punishment of demotion to Shri Ram Krishan Ram, the heavy equipment operator from grade V to grade A vide their order No.

D. B. five-5/18-2994, dated 8-11-1994 is justified? If not, what relief the workman is entitled to?"

2. There is no dispute that the concerned workman Ram Krishna Ram was working as Heavy equipment Operator with the opposite party Dalla Cement Corporation at Dalla in District Sonebhadra. At the relevant time he was in the grade V.

3. It has been alleged that on 1-10-1994, one Sharda Dhobi, a Mining Mazdoor met with an accident with the vehicle driven by the concerned workman. As a result of which this Sharda died. The concerned workman escaped from the spot. The workman was punished for this rash and negligent driving by way of reversion from the V grade to grade A vide order dated 8-11-1994.

4. The concerned workman has challenged the order of reversion by way of present reference alleging that this punishment was not preceded by any enquiry hence this punishment is bad.

5. The opposite party has filed reply alleging that an enquiry committee formed which was headed by S. N. Srivastava, Manager. Hence after holding enquiry it submitted its report on 29-10-1994. It was upon this report that the concerned workman was punished.

6. In the reply nothing new has been alleged.

7. In support of his case, the management has filed papers like report dated 1-10-1994, by which M. K. Sharma had submitted the report and had further informed General Manager. There is copy of letter dated 2-10-1994 by which the concerned workman was asked to appear on 4-10-1994, at 10 p. m. Then there are copies of evidence of witnesses and finally there is report of the committee. From all this it is obvious that before awarding punishment of the concerned workman a departmental enquiry was held and the concerned workman was given adequate opportunity. Hence, there is no force in the contention of the concerned workman that he was punished arbitrarily without holding any enquiry.

8. In the end my award is that the punishment awarded to the concerned workman being based on enquiry is not bad and the concerned workman is not entitled for any relief.

B. K. SRIVASTAVA, Presiding Officer.

नई दिल्ली, 17 दिसम्बर, 1997

कां०आ० 98.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार इंडियन रियर अर्थ लि० के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण कोलम के पंचायत को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-12-97 को प्राप्त हुआ था।

[सं. एल-29012/62/96-आई.आर. (विविध)]  
बी. एम. डेविड, डेस्क अधिकारी

New Delhi, the 17th December, 1997

S.O. 98.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Industrial Tribunal, Kollam as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Indian Rare Earths Ltd., and their workman, which was received by the Central Government on 17-12-1997.

[No. L-29012/62/96-IR (Misc.)]

B. M. DAVID, Desk Officer

## ANNEXURE

### IN THE COURT OF THE INDUSTRIAL TRIBUNAL, KOLLAM.

(Dated, this the 6th day of December, 1997)

PRESENT :

Sr. I. C. N. SASIDHARAN, Industrial Tribunal

IN

Industrial Dispute No. 16/97

BETWEEN

The Chief General Manager, Indian Rare Earths Ltd., Minerals Division, Chavara P.O. 691 583 Dist. Quilon.

(By M/s. Menon & Pai, Advocates, Ernakulam).

AND

Sri. P. S. Mohan Kumar, C/o. Sri. H. B. Shenoy Associates, Krishnaswamy Road, Cochin.

By S/s. H. B. Shenoy and Ashok B. Shenoy, Advocates, Cochin.

## AWARD

This industrial dispute has been referred for adjudication by the Government of India as per Order No. L-29012/62/96-IR. (Misc.) dated 11-4-1997, for adjudicating the following issue :

"Whether the action of the management of Indian Rare Earths Ltd., Chavara, in dismissing Sri P. S. Mohan Kumar, Tradesman from service w.e.f. 30-9-1995 is justified? If not, to what relief the workman is entitled?"

2. The workman in this case, Sri. P. S. Mohan Kumar, has filed a claim statement and the contentions are briefly as under. The workman was employed as tradesman-C in the management company since December 1989. In June 1994 he was falsely implicated in a criminal case at Thiruvalla and consequent to that he was in judicial custody since 19-6-1994 until 9-1-1995. He was released on bail on 9-1-1995 with condition not to leave the jurisdiction of the Judicial First Class Magistrate Court, Thiruvalla. On 30-1-1995 the aforesaid condition was lifted. In view of the above circum-

stances he could not attend the duty in the management company during the above period nor could he intimate the above facts to the management as he was not permitted to do so while in judicial custody. However at the earliest available opportunity on 17-12-1994 he had intimated the facts to the management. After his release from jail he sought instructions from management for joining duty by letters dated 18-1-1995 and 6-12-1995. A formal leave application was also sent to the management requesting to enable him to join duty by letter dated 23-3-1995. But the management ignored the aforementioned letters and issued him a chargesheet alleging "Habitual absence without leave or permission or absence with leave for more than 3 consecutive days without sufficient grounds or proper or satisfactory explanation." The workman was also suspended from service pending enquiry. The management conducted an improper and unfair enquiry and on the basis of a perverse enquiry report he was dismissed from service by letter dated 30-9-1995. The dismissal is illegal and unjust and is also in violation of the provisions of law. The chargesheet is vague and defective. That caused grave prejudice to the workman. The workman was not afforded a reasonable opportunity of defence in the enquiry. He was not permitted to peruse the management documents and no opportunity was given to adduce defence evidence. The enquiry is thus vitiated and the resultant punishment is liable to be set aside. Since June 1994 he had been pulling on with his family without any wages and was virtually starving. He is not paid any subsistence allowance so far. The evidence in the enquiry does not substantiate the charges at all. It had been brought out in the enquiry that the workman's absence was not unauthorised. He was prevented from attending duty as he was in judicial custody. He has not committed any misconduct at all. It is also stated that the punishment is totally disproportionate and highly excessive. The prayer is for reinstatement in service with all benefits.

3. The management opposes the case of the workman and the contentions of management are briefly as under : The workman was employed as tradesman under the management and without applying for leave he unauthorisedly absented from duty from 18-6-1994. A show cause notice dated 28-6-1994 was issued to him calling for his explanation as to why disciplinary proceedings should not be taken against him under the standing orders. The show cause notice sent to his residential address was returned back with the postal endorsement "home permanently locked". After a period of 6 months the management received a letter from the workman informing that a criminal case was registered against him and he was arrested and kept in Sub-Jail Pathanamthitta since August 1994. By letter dated 18-1-1995 he informed that he was released on bail on 9-1-1995 with a condition. After 18-6-1994 Sri. Mohan Kumar for the first time applied for leave by letter dated 23-3-1995 for the period from 18-6-1994 to 3-4-1995. Since there is no practice of granting leave retrospectively and also it was too belated, the management has rejected the leave application and informed the workman. He was thereafter chargesheeted alleging the misconduct stated

above under clause 41 (21) of the certified standing orders. He was also informed about the conduct of enquiry by Deputy General Manager Sri. P. M. Prasanth Kumar. He was also informed to take the assistance of one of the employees of the company. The workman participated in the enquiry and he was given sufficient opportunity to defend his case. On the first sitting of the enquiry on 7-4-1995 the workman admitted that he has committed the misconduct for which he was chargesheeted. He has submitted that he does not wish to have a co-employee to assist him in the enquiry. He was given all opportunity in the enquiry but he did not avail of the same and did not cross examine any of the witnesses. He himself was examined on his defence and put his signature in all pages of the proceedings of the enquiry as a token of his acceptance that the enquiry was conducted in a fair and proper manner. The enquiry was conducted strictly in accordance with the principles of natural justice.

4. The further case of the management is that in the enquiry the workman was found guilty of the charges. A copy of the findings was forwarded to him and he was asked to submit his representation if any against the findings of the enquiry officer. He had submitted his representation. After carefully considering the representation and the enquiry proceedings the management has decided to dismiss him from service. Absenteeism in any manner cannot be treated lightly in the management establishment where the production process is non-stop. He has absented for a period of about one year and his past record of service was also unclean. During the period of probation he was awarded a punishment of suspension without wages for seven days for proved misconduct. All along his service under the management he was in the habit of not attending duty properly. He was on loss of pay for 69 1/2 days from 28-9-1990 to 22-2-1992. He was dismissed from service in view of the seriousness of the misconduct and the management is fully justified in their action which is perfectly legal and valid. He was an accused in two criminal cases of Thiruvalla Police Station relating to fraudulence in the main transfer and Othara Bank robbery. He was made an accused after conducting a detailed investigation by police. The charges against him were framed after considering police report and the documents sent with it under 173 of the Code of Criminal Procedure 1973 and making such examination and hearing the magistrate formed an opinion that there is a ground for presuming that Sri. Mohan Kumar has committed an offence triable under Chapter-XIX of the Code. He could not attend for duty not because of any fault on the part of the management. But it was because of his involvement in a criminal case. The management has not violated any provisions of law in dismissing the workman from service. The charges were clearly and specifically stated in the chargesheet which is not vague and defective as alleged. A person who admitted the charges before the enquiry officer cannot make any grievance that the charges are vague. Before joining the service of the management the workman was in the Military service and he was getting pension for that service. The contention that he has starved for the non payment of subsis-

tance allowance and loss of job is totally baseless. He has not claimed subsistence allowance any time before his dismissal. The offence under Sec. 392 of the Indian Penal Code by itself comes within the ambit of moral turpitude and it is not desirable to retain the service of a person whose depraved conduct led to taking proceedings before a Magistrate Court under Sec. 392. The conduct of behaviour of the workman shocked the general conscious of the society and he rendered himself unfit to become an employee of a public sector undertaking. His reinstatement in service will demoralise the organisation and breed in discipline. The punishment is not disproportionate or excessive as alleged. It is also understood that his wife is employed in Othara Service Co-operative Bank. He was dismissed for committing serious misconduct. According to the management the workman is not entitled to any relief and the action of management is fully justified.

5. The enquiry file containing, chargesheet, statement of witnesses, documents and the findings of the enquiry officer has been marked as Ext. M-1 without examining the enquiry officer as consented to by the learned counsel for the workman. No oral evidence has been let in by either side. At the time of final argument the learned counsel for the workman has submitted that though several contentions have been raised against the enquiry report in the claim statement, those are not pressed and the only dispute is regarding the punishment imposed on the workman on the basis of Ext. M-1 enquiry file.

6. The workman was dismissed from service on the basis of the domestic enquiry finding. Ext. M-1 is the enquiry file containing the report of the enquiry officer, statement of witness and documents. It is evident from the enquiry file that on the first sitting of the enquiry itself the workman has admitted that he has committed the misconduct for which he was chargesheeted. He has further submitted that he does not wish to have a co-employees to assist him in the enquiry. It is seen from the enquiry file that documents relied on by the management were marked in the presence of the workman. Though he was allowed to cross examine witness examined on the side of the management, he did not avail of the opportunity and he did not cross examine any of the witnesses. The workman examined himself in the enquiry. He has signed on all pages of the enquiry proceedings as a token of his acceptance that the enquiry was conducted in a fair and proper manner. It is not at all evident from the enquiry file that the workman has raised any complaint at any point of time regarding the manner in which the enquiry was being conducted or about the enquiry officer. The enquiry officer has considered all the aspects of the matter and came to the conclusion that the workman is guilty of the charges levelled against him. It is thus clear that the enquiry was conducted fully in compliance with the principles of natural justice and the findings of the enquiry officer are supported by legal evidence. There is no perversity in the findings as stated in the claim statement.

7. According to the learned counsel for the workman the workman was absented from duty as he was arrested by the police and was in judicial custody from 19-6-1994 till 9-1-1995. Though he was

released on bail on 9-1-1995 with a condition not to leave the jurisdiction of the Judicial First-class Magistrate, Thiruvalla and thereafter the aforesaid condition on bail was lifted on 30-1-1995. According to the learned counsel at the earliest available opportunity on 17-12-1994 the workman had intimated the management that he was in judicial custody unable to attend duty and upon release also he had sought instructions from management for joining duty by letters dated 18-1-1995 and 6-2-1995. Further the workman has made formal leave application by letter dated 23-3-1995 addressed to the management requesting to enable him to join duty. But the management ignoring the aforesaid letters chargesheeted him in haste without passing any orders in the leave application. The action of the management is highly illegal according to the learned counsel. It is not disputed that the workman had intimated the management about the criminal case registered against him after a period of six months only and there is no convincing explanation for not informing the management about his absence from duty except that he was in judicial custody. What prevented him from informing the management about the criminal case and his judicial custody through his relatives or by letter is not known. There is no explanation at all for not doing so. As per clause 41(21) of the certified standing orders habitual absence without leave or permission or absence without leave for more than three consecutive days without sufficient grounds or proper satisfactory explanation is a misconduct. It is not disputed that the management has issued a show cause notice on 28-6-1994 asking the workman his explanation as to why disciplinary proceedings should not be taken under the standing orders, which was returned with endorsement "home permanently locked". No doubt the workman has addressed the management by letters dated 18-1-1995, 6-2-1995 and the leave application dated 23-3-1995. But those letters were sent after more than six months and according to the management there is no practice of granting leave retrospectively and that too after such a long period. The leave application was therefore rejected and the management issued charge-sheet to the workman. Hence the action of the management in charge-sheeting the workman after getting belated leave application and the intimation regarding the judicial custody of the workman cannot be said to be illegal or unjust.

8. Now the question remaining for consideration is regarding the punishment of dismissal. According to the learned counsel for the workman the present punishment is totally disproportionate and highly excessive. Further it is not at all commensurate with the charges levelled against the workman. The workman was found to be guilty of the misconduct of absenteeism from the company. It is not disputed that in the management establishment the production process is non-stop. Hence the absenteeism of a workman in any manner will upset the functioning of the plant and hence absenteeism cannot be encouraged by the management. It is a case where the workman absented for a period of about one year. Further the workman was in judicial custody for about six months and two criminal cases were registered against him one relating to fraudulence in

the mail transfer and the other relating to Othara Bank robbery. The workman has committed an offence triable under Chapter XIX of the criminal procedure code and charge was framed against him after investigation by the police and the examination of the police report by the Magistrate. The judicial custody of the workman for more than six months and that he was not granted bail for this period will itself show the seriousness of the offence for which he was charge-sheeted. It is not at all desirable to retain the service of such a person who is charged under Section 392 of the Indian Penal Code, which itself come within the ambit of moral turpitude, in a public sector undertaking like management company. The workman is facing trial for serious offence. The continuance of such a person in the company will affect the discipline among other employees in the company. According to the management the conduct of the workman was derogatory to the prestige of the management particularly a public sector undertaking and the management is not in a position to retain in service such an employee having such character. That statement of the management cannot be ignored while considering the gravity of the misconduct committed by the workman and the criminal cases in which the workman is charged and was in judicial custody for more than six months. The offence for which the workman is charge-sheeted is an offence affecting the society at large and anything affecting the society at large will be affecting the management also. The continuance of such an employee in a public sector undertaking will cause embarrassment and disrepute to the management as contended by the learned counsel for the management. Considering the above circumstances it cannot be held that the punishment of dismissal imposed on the workman is disproportionate or excessive. On the other hand it is only commensurate with the gravity of the misconduct and the other circumstances.

9. The above view is supported by the following decisions. The Supreme Court considered the case of an employee who was discharged for continued absence in *Burn and Co. V. their employees* (AIR 1957 SC 38). In that case also the reason for absence is detention in jail. The Tribunal made an order that the workman should be re-employed. The appellate Tribunal has also accepted the findings of the Tribunal. But the Supreme Court held in para 19 that continued absence is a serious misconduct and the discharge was held to be proper. The Supreme Court in *Hindustan Paper Corporation V. Purendu Chakrobarty* [1997 (2) LIN 1007] has considered the case of an employee who absented for about six months without prior sanction. In that case the workman absented from duty without prior sanction for about six months and sent applications for leave on medical grounds not supported by medical certificates. The court held that the employee is deemed to have lost his leave. The High Court of Punjab and Haryana has considered the case of dismissal for absence from duty in *V. K. Verma V. H. M. T. Ltd.*, [1994 (1) LLN 2381]. In para 11 of the judgment the court held that habitual late attendance or leaving of work does constitute misconduct and the action of management was held to be in strict conformity with the provisions of standing

orders. In *A. N. Pawar V. Union of India*, [1994 (1) LLN 142] the Bombay High Court has considered the misconduct of over staying sanctioned leave without sufficient cause. In that case the submission was that punishment was disproportionate to misconduct. The court held that there was no merit in the contention of the workman and the dismissal was upheld. The Supreme Court in *State of Punjab and others V. Jit Singh* [1997 (2) LLN 30] has considered the case of a workman over staying leave without sanction. In that case the service of the workman was terminated without even conducting an enquiry. The apex court held that the termination is valid without enquiry. The principles laid down by the courts in the above decisions fully support the view which I have taken above.

10. The learned counsel for the workman would vehemently contend that the criminal cases registered against the workman is still pending trial and he has not been found guilty. The argument is that until the workman is convicted by the criminal court he is innocent and the mere involvement in criminal cases cannot be considered as a circumstances for dismissing him from service. As I have stated above the workman is charged in two very serious criminal cases and he was in judicial custody for about six months. Further he is found guilty of a grave misconduct by the enquiry officer. The workman is an employee of a public sector undertaking and the continuance of such a person with criminal background is not at all advisable as it will affect the good image of the company in the public and also the discipline among other employees. Therefore, the present argument of the learned counsel cannot be accepted in the matter of punishment.

11. It is also noticeable that the past conduct of the workman is not satisfactory. It is not disputed by the workman that during the period of probation he was awarded a punishment, of suspension without wages for seven days for proved misconduct. Further he was on loss of pay for 69-1/2 days from 28-9-1990 to 22-2-1992. Considering the unclean past record of service, the misconduct proved against him, his involvement in two very serious criminal cases and his detention in jail for about six months, I am of the view that the workman does not deserve any leniency in the matter of punishment. There are no other extenuating circumstances warranting interference from this Tribunal in the matter of punishment.

12. Though there are several other contentions in the statement of both sides filed before this Tribunal, no other points have been urged before me requiring consideration. Hence I am not entering findings on those points.

13. In view of what is stated above, an award is passed holding that the action of the management of Indian Rare Earths Ltd., Chavara in dismissing Shri P. S. Mohan Kumar, Tradesman-C, from service w.e.f. 30-9-1995 is legal and justified and that the workman is not entitled to any relief.

C. N. SASIDHARAN, Industrial Tribunal.



## APPENDIX

Document marked on the side of the Management :

Ext. M-1. File containing, charge-sheet, proceedings of the enquiry statement of witness, documents and the findings of the enquiry officer.

नई दिल्ली, 17 दिसम्बर, 1997

का आ 99.—प्रौद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार एशियन ट्रमिनल के प्रबंधन के सदस्य नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निहित प्रौद्योगिक विवाद में श्री ए. चक्रवर्ती (अरबीट्रेटर) के पक्षों को प्रकाशित करती है, जो केन्द्रीय सरकार को 15-12-97 को प्राप्त हुआ था।

[सं एल-45013/1/96-आई आर (विधि)]  
बी. एम. डेविड, डेस्क अधिकारी

New Delhi, the 17th December, 1997

S.O. 99.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of Sh. A. Chakravarty, Arbitrator, as shown in the Annexure, in the industrial Dispute between the employers in relation to the management of Asian Terminal and their workman, which was received by the Central Government on 15-12-1997.

[No. L-45013/1/96-IR (Misc.)]

B. M. DAVID, Desk Officer

## ANNEXURE

Proceedings of the Arbitration Between  
Asian Tribunals and Six Unions at  
Cochin Port Trust

M/s. Asian Terminals had set up a Container Freight Station (CFS) at Willingdon Island, Kochi on the port land, outside the Port's Customs Bonded Area, M/s. Asian Terminals recruited 33 workers for stuffing and de-stuffing operation within CFS. The following six unions, representing the workmen, objected to the employment of these 33 workers, as they did not belong to the USA pool, container handling workers pool, high stack workers pool and casual workers, who were engaged in container handling in the port.

1. Cochin Port Labour Union, Cochin.
2. Cochin Thuramugha Thozhilali Union, Cochin.

3. Cochin Port & Dock Employees Union, Cochin.
4. Cochin Port Thozhilali Union, Cochin.
5. Cochin Dock Employees Association, Cochin.
6. Cochin Port Staff Association, Cochin.

2. This led to an industrial dispute between the management of Asian Terminals and the workers represented by the above mentioned six labour unions Both M/s. Asian Terminals and their workmen represented by six unions entered into a written agreement under sub-section (i) of Section 10-A of the Industrial Disputes Act, 1947 (14 of 1947), agreeing to refer the said dispute to the arbitration of the undersigned (Shri A. Chakravarty, Managing Director, Indian Ports Association, 19 Institutional Area, Lodhi Road, New Delhi-110 003) Specific matters in disputes are :

1. (a) Whether operation of a private Freight Station in Willingdon Island will reduce the job opportunities of the Port Workers? and

(b) Whether operation of a private Freight Station in Willingdon Island is detrimental to the interest of Cochin Port Trust at large?

2. Whether the 33 workers recruited for the work of Asian Terminals have the right to employment in the aforesaid Terminals?

3. Whether the demand of the Unions for implementation of the assurance given by the Chairman, Cochin Port Trust to engage pool workers, who became jobless consequent on the opening of the port CFS, in the proposed private CFS in island including the Asian Terminals is justified?

Government of India (Ministry of Labour) published the said agreement and referred the issue to the Arbitrator.

3. The parties involved in the dispute were requested vide letter No. IPA/96 dated 10th December, 1996 to submit written representations to the arbitrator. After receipt of the last submission on 25-3-1997, the arbitrator visited the Cochin Port Trust on the 1st April, 1997 and held discussions with the representatives of the parties to the arbitration agreement and requested them to furnish additional information, apart from explaining the procedure to be followed in conducting the arbitration.

4. Though the representatives agreed to furnish information by six weeks' time, five unions forwarded their submission between 22-4-1997 and 19-8-1997, while there was no response from Cochin Port & Dock Employees' Union till 12-10-1997. Instead of waiting for the same, the proceedings were based on the original representations, discussions held on 1-4-97 and the response to the questionnaire received from 5 unions.

5. Among the major ports, Cochin Port was the first port to receive a container vessel. Right from the inception the containers were stuffed within the port premises and not allowed to be brought in from outside. The involved stuffing of containers within the port, employment/earning of the workers hitherto involved in stuffing of containers within the port. Following an agreement signed before the Chief Labour Commissioner, New Delhi on the 12th Nov., 1992, house stuffing of containers at Cochin Port was permitted in 1995, the port commissioned a CFS at its container terminal at Ernakulam wharves. The Port Trust decided that stuffing of FCL containers would be carried out exclusively by the port labour and no pool worker would be involved. Initially the workers opposed the proposal and resorted to agitation, claiming that new arrangement would reduce employment opportunities of the pool workers and also affect the finances of the private pools and their ability to pay wages to the pool labourers, the system which was introduced following commencement of house stuffing of export containers.

6. To resolve the dispute a meeting between the Chairman, Cochin Port Trust and representatives of CPSA and CTUU was held on 29-4-1995, it was agreed that :—

efforts would be made to set up a CPS in the island outside the port premises for employing pool workers losing employment.

A levy would be charged on every container handled in the port to cover the shortfall in the fund of the private pools in meeting their salary payment obligations. Cochin Port Trust would absorb the private pool workers against vacancies likely to arise in the Port Trusts,

The Chairman also in a note dated 12th May, 1995 reiterated that "proposal for a private freight station in the island, which can employ the private pool workers will be recommended by the port, as this would provide alternative job opportunities for the private pool workers".

7. Progressive liquidation of the workers' pools by offering alternative employment is unavoidable in order to reduce the port cost and attract more traffic through the port incidentally no port in the country has such appendages, which developed at Cochin for historical reasons.

8. Container traffic through Cochin Port increased from 55,168 TEUs in 1992-93 to 1,12,145 in 1996-97 recording more than 100 per cent growth rate. Against 68411 loaded TEUs handled during 1996-97, the throughput of loaded containers in the terminal year of the 9th Plan has been projected to be 1.60 lakh TEUs.

9. Considering the traffic potential as indicated in the foregoing para and the present trend of house stuffing of containers continuing possibility of reduction in job opportunities of the port workers appears to be remote, if a private CFS is set up in Willingdon Island and the wharf stuffing of LCL containers by pool workers continues.

10. Operations of a private CFS in Willingdon Island is not likely to be detrimental to the interest of Cochin Port Trust in view of the projected growth in container traffic through the port in the future, which will ensure full utilisation of the existing infrastructure, rather the port will be required to augment the facilities.

11. The award of the arbitrator is as follows :—

- (i) (a) Operation of a private freight station in Willingdon Island will not reduce the job opportunities of the port workers.
- (i) (b) Operation of private freight station in Willingdon Island will not be detrimental to the interest of the Cochin Port Trust at large.
- (ii) 33 workers recruited for the work of Asian Terminals do not have the

right of employment in the afore-said terminal. The demand of the unions for implementation of the assurance given by the Chairman, Cochin Port Trust to engage pool workers, who became jobless consequent on the opening of port CFS, in the proposed private CFS in island including Asian Terminals is justified.

**A. CHAKRAVORTY, Managing Director  
NEW DELHI**

October 15th, 1997

नई दिल्ली, 17 दिसम्बर, 1997

का.आ.100.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार छत्रसाल ग्रामीण बैंक, जालौन के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 16-12-97 को प्राप्त हुआ था।

[सं एल-12012/45/93-आई आर (बी-1)]

पी. जे. माईकल, डेस्क अधिकारी

New Delhi, the 17th December, 1997

S.O. 100.—In pursuance of Section II of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Chhatrasal Gramin Bank, Jaun and their workman, which was received by the Central Government on the 16-12-1997.

[No. L-12012/45/93-IR(B.I.)]

P. J. MICHAEL, Desk Officer.

#### ANNEXURE

BEFORE SRI B. K. SRIVASTAVA PRESIDING OFFICER  
CENTRAL GOVERNMENT INDUSTRIAL  
TRIBUNAL-CUM-LABOUR COURT, PANDU NAGAR  
KANPUR

INDUSTRIAL DISPUTE NO. 45 OF 1993

In the matter of dispute between.—

J. C. Dhawan, Rajya Bhutpurva Sadasya

U.P. Bank Worker's Federation

Co Vishnukant Dwivedi Gram-Post Chamari  
District Jalaun.

AND

Adhyaksh. Chhatrasal Gramin Bank Roth Road Orai  
District Jalaun.

APPEARANCE :

M. K. Verma for the Bank.

J. C. Dhawan for the workman.

3291 GI/97-11

#### AWARD :

1. Central Government, Ministry of Labour, vide notification no. L-12012/45/93/IR-B-1 dated 4-5-93, has referred the following dispute for adjudication to this Tribunal—

Whether the action of the management of Chhatrasal Gramin Bank in withholding one annual increment with cumulative effect and treating the period of suspension as period not spent on duty in regard to Sri Vishnu Kant Dwivedi, clerk cum typist is legal and justified? If not, to what relief the workman is entitled to?

2. The case of the concerned workman Vishnukant Dwivedi is that he was working as junior clerk cum cashier with the opp. party Chhatrasal Gramin Bank at Orai branch. In that course he was suspended on 31-1-91 and further a chargesheet dated 30-3-1991 was given to him. The substance of the charge was that he has misbehaved and disobeyed the orders of Chairman R. K. Nigam. This chairman himself had proceeded to act as disciplinary authority cum enquiry officer. In the reply the concerned workman had expressed his regret in a qualified way. Hence, without holding any enquiry R. K. Nigam holding that charges were proved on the basis of admission and further without recording further enquiry awarded punishment by order dt. 3-5-91 by virtue of which only one increment with cumulative was withheld and further not treating the suspension period as duty was passed. Feeling aggrieved the concerned workman has raised the instant industrial dispute.

3. In the claim statement it was alleged that R. K. Nigam was both complainant as well as judge which has vitiated the entire enquiry proceeding. Further he was not given any opportunity to adduce evidence in defence.

4. In the reply it is alleged that as the concerned workman has admitted his guilt as such no enquiry was held. In the rejoinder nothing new has been said.

5. I am inclined to accept the first contention of the authorised representative of the concerned workman. In my opinion R. K. Nigam being the victim of the misconduct ought not to have acted as enquiry officer cum disciplinary authority, as it is well settled law that a person cannot be a judge of his own cause. Hence on this premises alone all enquiry proceedings being against the principles of natural justice and is void. Consequently the punishment awarded to the concerned workman is also bad. Accordingly my award is that punishment awarded to the concerned workman is not justified and the concerned workman is entitled for all consequential benefits as if no punishment was awarded to him.

**B.K. SRIVASTAVA, Presiding Officer.**

नई दिल्ली, 17 दिसम्बर, 1997

का.आ.101.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दा बनारस स्टेट बैंक, वाराणसी के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 16-12-97 को प्राप्त हुआ था।

[सं एल-12012/77/86-आई आर (बी-1)]

पी. जे. माईकल, डेस्क अधिकारी

New Delhi, the 17th December, 1997

S.O. 101.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government

Industrial Tribunal, Kanpur as shown in the Annexure in the industrial dispute between the employers in relation to the management of The Banaras State Bank, Varanasi and their workman, which was received by the Central Government on the 16-12-1997.

[No. L-12012/77/86-IR (B.I.)]

P. J. MICHAEL, Desk Officer

#### ANNEXURE

BEFORE SHRI B. K. SRIVASTAVA, PRESIDING OFFICER CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT DEOKI PALACE ROAD PANDU NAGAR, KANPUR

Industrial Dispute No. 68 of 1997

In the matter of Dispute between :

Onkar Nath Mishra,  
C/o Ram Dhari Misra,  
Sitaram, 31 Azamgarh.

AND

Deputy General Manager,  
The Banaras State Bank,  
Head Office, 32/1-D, Laksa Road,  
Varanasi.

#### AWARD

1. Central Government Ministry of Labour New Delhi vide its Notification No. L-12012/72/86 I.R. (B-I) dated 25-4-97 has referred the following dispute for adjudication to this Tribunal :—

Whether the action of the management of the Banaras State Bank Ltd., in terminating the services of Shri Onkar Nath Mista, Ex-Godown Keeper, with effect from 21-11-76 is fair, just and legal? If not, to what relief the workman concerned is entitled?

2. It is unnecessary to give the details of the case as after sufficient opportunity the concerned workman has not filed claim statement. Hence the reference is answered against the workman for want of prosecution and proof and he is not entitled for any relief.

B. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 17 दिसम्बर, 1997

का आ 102.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार नोर्दन रेलवे सीतापुर के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 16-12-97 को प्राप्त हुआ था ।

[सं एल-41011/10/95-आई आर (बी-1)]

पी. जे. माईकल, डेस्क अधिकारी

New Delhi, the 17th December, 1997

S.O. 102.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure in the industrial dispute between the employers in relation to the management of Northern Rly, Sitapur and their workman, which was received by the Central Government on the 16-12-1997.

[No. L-41011/10/95-IR (B.I.)]

P. J. MICHAEL, Desk Officer

#### ANNEXURE

BEFORE SHRI B. K. SRIVASTAVA, PRESIDING OFFICER CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT DEOKI PALACE ROAD, PANDU NAGAR, KANPUR

Industrial Dispute No. 99 of 1997

In the matter of dispute between :

Zonal Vice President,  
Northern Railway Karamchari Union,  
39-II-1 Multy Storied Rly. Colony,  
Charbagh Lucknow.

AND

Assistant Engineer,  
Northern Railway,  
Sitapur.

## AWARD

1. Central Government Ministry of Labour New Delhi vide its Notification No. L-41011/10/95-I.R. (B) dated 21-1-97 has referred the following dispute for adjudication to this Tribunal :—

Whether the action of the management of Northern Railway in terminating the services of S/Shri Sunder Lal, Ram Bilas and Ram Ratan, Khalasis is just and legal? If not to what relief the workmen concerned are entitled to?

2. It is unnecessary to give the details of the case as after sufficient opportunity the concerned workman has not filed claim statement. Hence reference is answered against the workman and he is not entitled for any relief.

B. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 17 दिसम्बर, 1997

का.मा. 103.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सेन्ट्रल रेलवे, झांसी के प्रबंधन के संबंध में कार्यकर्ताओं और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 16-12-97 को प्राप्त हुआ था।

[सं. एल-41011/14/93-आई मार (बी-1)]

पी. जे. माईकल, डेस्क अधिकारी

New Delhi, the 17th December, 1997

S.O. 103.—In pursuance of Section II of the Industrial Disputes Act, 1947 (14 of the 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Central Rly, Jhansi and their workman, which was received by the Central Government on 16-12-97.

[No. L-41011/14/93-IR(B.I.)]

P. J. MICHAEL, Desk Officer

## ANNEXURE

BEFORE SRI B. K. SRIVASTAVA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT PANDU NAGAR, KANPUR

Industrial Dispute No. 22 of 1995

In the matter of dispute :

BETWEEN :

Surendra Singh,

Rashtriya Chaturth Shreni Rail Mazdoor Congress,  
4 Hirapura Nagra Jhansi.

## AND

Divisional Railway Manager,  
Central Railway Jhansi.

## AWARD

1. Central Government, Ministry of Labour, vide notification No. L-41011/14/93-IR(B-I) dated 7-2-97, has referred the following dispute for adjudication to this Tribunal :—

Kya Mandal Rail Prabandhak Madhya Rail Jhansi ka Khatya S/Sri Bishan Swarup Kamkhari, Raksh Pal Singh, Laxmi Naran, Lakpat Singh aur Gurdayal ko sewa se sewamukta karna nyayochit hai ya nahi to sambandha kamkar kis anutosh ke haqdar hai?

2. This reference relates to five workmen viz Bishan Singh, Swarup, Ram Khari, Raksh Pal Singh, Laxmi Naran, Lakpat Singh and Gurdayal Singh. From the pleadings of the parties it becomes common ground that Raksha Pal Singh, Lakpat Singh and Gurdayal were engaged as khalasi on 10-6-86 with Loco foreman Dholpur with the opposite party Central Railway. Bishan Swarup was engaged on 1-8-83 whereas Ram Khilari was engaged on 24-6-85 and Laxmi Naran was engaged on 17-5-80. They too were working under Loco Foreman Dholpur as khalasi. All of them were removed from service on 29-8-87 on the allegation that they had procured employment on the basis of forged service cards.

3. The simple case of concerned workman is that they could not have been removed from service without holding regular enquiry about the procurement of service on the basis of alleged forged service card.

4. In the reply it was alleged that as the concerned workmen had obtained engagement by producing a forged service card a show cause notice was given to each of them. Instead of putting in appearance for showing cause, they absconded and they were not removed from service.

5. In the rejoinder the earlier facts alleged in the claim statement have been reiterated. It has further been denied that they had absconded from service.

6. In support of their case, the concerned workman Gurdayal and Ram Khilari were examined as W.W.1 and W.W.2 respectively. The management was given opportunity to adduce evidence but they failed to do so. They had filed certain papers relating to alleged show cause notice. But the same could not be read in evidence as they were not proved and further as the concerned workman had denied them.

7. From the above review of evidence of Gurdayal Singh and Ram Khilari it will be evident that their case of removal from service without holding any enquiry is un rebutted. Further it was for the opposite party railway to show that they had issue show cause notice and that the concerned workman had absconded. In the absence of any such evidence on the part of opposite party railway, I have no hesitation in accepting the evidence of Gurdayal Singh and Ram Khilari. It is accordingly held that they have not absconded. Instead they were removed from service without any enquiry.

8. In the end my award is that the action of the railway management in removing the concerned workmen without any enquiry is against the principles of natural justice and as such my award is that the removal from the service of the concerned workmen is bad in law. Accordingly they will be entitled for reinstatement.

Dated : 2-12-1997.

B. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 17 दिसम्बर, 1997

का.प्रा.104.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार आर्योसंजीवन सर्वे आफ इंडिया, लखनऊ के प्रबंध-तंत्र के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार में औद्योगिक अधिकरण, कानपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 16-12-97 को प्राप्त हुआ था।

[सं. एल-41011/16/95-आई प्रार (डी.यू.)]

पी. जे. माईकल, डेस्क अधिकारी

New Delhi, the 17th December, 1997

S.O. 104.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Archaeological Survey of India, Lucknow and their workman, which was received by the Central Government on 16-12-97.

[No. L-41011/16/95-IR (DU)]

P. J. MICHAEL, Desk Officer

#### ANNEXURE

BEFORE SRI B. K. SRIVASTAVA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, PANDU NAGAR KANPUR

Industrial Dispute No. 34 of 1996

In the matter of dispute :

BETWEEN :

Mohd. Sami 500/105 Daliganj Ekka Stand, Lucknow.

AND

Superintendent,  
Archaeological Survey of India,  
Golaganj Lucknow.

#### AWARD

1. Central Government, Ministry of Labour, New Delhi, vide notification No. I-41011/16/95-IR(DU) dated 27-3-96, has referred the following dispute for adjudication to this Tribunal :—

Whether the action of the Archaeological Survey of India Lucknow in terminating the services of Sri Mohd. Sami, is proper legal and justified. If not, what relief the workman is entitled to?

2. After filing of claim statement the concerned workman Mohd. Sami died on 27-5-96. Thereafter his widow Smt. Nigar Fatima is contesting the proceedings.

3. The case of the concerned workman is that he was engaged by the opposite party Archaeological Survey of India, Lucknow, on 3-6-91, and he continuously worked upto 30-5-93. Thereafter his services were brought to an end without affording any opportunity. Further there has been breach of provisions of section 25F of I.D. Act.

4. The opposite party has filed reply in which it has been denied that concerned workman had worked continuously. He was not working on any regular post. He had misbehaved with the senior staff. Further he was involved in a rape case, hence he was removed from service. The concerned workman had no right to continue in service.

5. In the rejoinder widow of the deceased workman reiterated the allegations made in the claim statement.

6. In support of the concerned workman, his widow Smt. Nigar Fatima examined herself as M.W.1.

7. In my opinion, in this case there was hardly any need for oral evidence as it is the case of the management that the concerned workman misbehaved and also that he was involved in a rape case as such he was removed from service. In my opinion when a workman commits misconduct he should not be removed by way of punishment except after holding domestic enquiry. This has not been done in this case. Hence, the order of removal from the service of the deceased concerned workman is bad on this score alone.

8. A plea has been taken on behalf of the management that it is not industry. No one had turned up to explain as to how it is not an industry. Hence I decide this point against the opposite party.

9. Accordingly my award is that termination of the concerned workman (deceased) was bad. Question of reinstatement does not arise. Instead widow of the deceased workman Smt. Nigar Fatima will be entitled for back wages and other benefits.

10. Smt. Nigar Fatima widow of the deceased concerned workman had sought employment on compassionate ground. That request cannot be granted in the present reference as this point is not covered by the present reference. However it is expected that the opposite party would consider her case for compassionate appointment on the premises that deceased had continued to remain in service till the date of his death.

B. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 17 दिसम्बर, 1997

का.प्रा.105.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सेन्ट्रल रेलवे (प्रांसी) के प्रबंधतंत्र के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 16-12-97 को प्राप्त हुआ था।

[सं. एल-41012/38/93-आई प्रार बी-3/बी-1]

पी. जे. माईकल, डेस्क अधिकारी

New Delhi, the 17th December, 1997

S.O. 105.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Central Railway, Jhansi and their workman, which was received by the Central Government on the 16-12-1997.

[No. L-41012/38/93-IR B. 3/B. I.]

P. J. MICHAEL, Desk Officer.

## ANNEXURE

BEFORE SHRI B. K. SRIVASTAVA, PRESIDING  
OFFICER, CENTRAL GOVERNMENT INDUS-  
TRIAL TRIBUNAL-CUM-LABOUR COURT,  
PANDU NAGAR, KANPUR.

Industrial Dispute No. 14 of 1995. e

In the matter of dispute :

BETWEEN :

Surendra Singh, President Rashtriya Chaturth  
Shreni Rail Mazdoor Congress 4, Hirapur  
Nagra, Jhansi.

AND

Divisional Railway Manager,  
Central Railway, Jhansi.

## AWARD

1. Central Government, Ministry of Labour, vide Notification No. L-41012/38/93/I.R. B-3, dated 13-1-1995 has referred the following dispute for adjudication to this Tribunal :—

“Kya Mandal Rail Prabandhak Central Railway Jhansi dwara Mohd. Israr ko dinank 20-9-1987 se nishkashit karna nyaochit hai ? Yadi nahi to sambandhit Karmkar kis anuthosh ka haqdar hai ?”

2. The case of concerned workman Mohd. Israr is that he was engaged as casual labour in Electrification department of the opposite party Central Railway Jhansi Division on 25-2-1985. In between 19-6-86 and 18-10-1986 he had completed for more than 120 days hence he has acquired temporary status. Instead of conferring temporary status upon the concerned workman the opposite party illegally removed him from service on 20-9-1987 in breach of provisions of section 25-G of I. D. Act, as junior to him were retained in service.

3. The opposite party in its written statement has not disputed the number of working days of the concerned workman. Their only defence is that the concerned workman was engaged on a project for fixed period. For getting temporary status for workman doing work on project one has to complete 180 days. The concerned workman had not completed 180 days hence he did not acquire temporary status as such question of breach of section 25-G of I. D. Act does not arise.

4. In the rejoinder it was denied that the concerned workman was engaged on project work for fixed period.

5. In support of his case the concerned workman has examined himself as W.W. 1 besides Ext. R-1 service card has been filed. In rebuttal the management has examined Sobran Singh Office Superintendent M.W. 1. He had stated that the concerned workman had worked on project. In fact under Inspector of works only project work is done.

6. Thus the first point which needs for determination is as to whether the concerned workman was engaged on project for fixed period. In my opinion the evidence of Sobran Singh Chauhan M.W. 1 is not enough. Particular of project should have been given for which the concerned workman is alleged to have engaged. Similarly muster roll record ought to have been filed to show that the concerned workman was engaged for fixed period. On the contrary Ext. W-1 service record goes to show that the concerned workman was not engaged on any project. In view of above documentary evidence coupled with the evidence of workman I do not accept the version of the management and accordingly I hold that the concerned workman was not engaged on any project for fixed period. Instead he was engaged as a casual labour.

7. Admittedly he had completed for more than 120 days hence he had acquired temporary status. The concerned workman W.W. 1 has stated that when he was removed from service Raju and Ayub Ansari etc. were retained in service who were junior to him. There is no rebuttal of this evidence. Hence I accept it. Consequently it is held that there has been breach of section 25-G of I. D. Act, hence termination of the concerned workman is bad in law. Accordingly he is entitled for reinstatement with back wages from the date of reference.

B. K. SRIVASTAVA, Presiding Officer.

नई दिल्ली, 17 दिसम्बर, 1997

का.ग्रा.106.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार नोर्वन रेलवे, लखनऊ के प्रबंधन के संबंधित नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचपट को प्रकाशित करता है, जो केन्द्रीय सरकार को 15-12-97 को प्रकाशित हुआ था।

[सं. एल-41012/69/96-प्राई.प्रार. (बी. -I)]

पी. जे. माईकल, डेस्क अधिकारी

New Delhi, the 17th December, 1997

S.O. 106.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Northern Rly., Lucknow and their workman, which was received by the Central Government on 15-12-97.

[No. L-41012/69/96-IR(B-I)]

P. J. MICHAEL, Desk Officer

## ANNEXURE

BEFORE SRI B. K. SRIVASTAVA PRESIDING OFFICER  
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL  
CUM-LABOUR COURT PANDU NAGAR, KANPUR

Industrial Dispute No. 91 of 1997

In the matter of dispute between :

Prabhu Dass, a/o Sukhai Dass,

Village Dhohave KI Saraiya,

Post Haldergarh District Barabanki

AND

Divisional Railway Manager,  
Northern Railway Hazratganj,  
Lucknow.

APPEARANCE :

Quamar Jahan for Railway and Workman in person.

#### AWARD

1. Central Government, Ministry of Labour, vide notification no. L-41012/69/96-IR-B-1, dated 23-6-97, has referred the following dispute for adjudication to this Tribunal—

“Whether the action of the management of DRM Northern Railway Lucknow not to provide a chance to Sri Brabhu Dass, Chowkidar Northern Railway Institute Lucknow for permanent absorption against class IV category and termination from service w.e.f. 1-7-96 is legal and justified? If not to what relief, the concerned workman is entitled to?”

2. The concerned workman in his claim statement has alleged that he was engaged class IV employee on 12-4-81 by the opposite party Northern Railway and he continued to work upto 1-7-96. Thereafter his services were terminated in breach of provisions of section 25F, G and H of I.D. Act.

3. The Divisional Railway Manager, opposite party, Northern Rly. Lucknow, has filed reply wherein it is alleged that the concerned workman was engaged as a chowkidar of railway institute by its Honorary Secretary, hence he is not an employee of the northern railway. As regards the number of working days it has not been disputed.

4. In the rejoinder it has been denied that the concerned workman is not an employee of opposite party.

5. In support of his case the concerned workman Prabhu Dass has examined himself as W.W.1 and further he has filed Ext. M-1 to W-7. In rebuttal S. C. Gupta Office Superintendent Gr. II of the opposite party has been examined.

6. From the pleadings of parties and their evidence, it becomes common ground that the concerned workman was working as Chowkidar of Railway Institute. It is to be determined as to whether still the concerned workman should be treated as employee of the opposite party Northern Railway. There are Ext. W-3 to W-5 which are Railway Passes which were admittedly issued to the concerned workman in his name. S. C. Gupta M.W.1 in his cross-examination has admitted that these passes are granted to a railway employee alone. Further opposite party has not given any explanation as to how these passes were issued in the name of the concerned workman when he was not the employee of the opposite party. In my opinion, this is the crucial evidence in favour of the workman which would demonstrate that the concerned workman was an employee of the opposite party Northern Railway. In any case in the capacity of chowkidar of railway institute will be deemed to be employee of opposite party. It is well settled law that when an authority under Factories Act is supposed to run a Canteen or Club for the recreation of its employee and if such authority keeps its employment through third agency in that case the employees of third agency would be deemed to be the direct employee or such authority. In view of this settled law the concerned workman will be deemed to be the employee of railway who is supposed to run a club or institute for the recreation of its staff. In view of above I come to the conclusion that the concerned workman is a direct employee of the opposite party Northern Railway, Lucknow.

7. It is un rebutted evidence of the concerned workman that he had worked continuously from 12-4-81 to July, 96 as Chowkidar. There is no evidence in rebuttal, hence I accept it. Accordingly it is held that the concerned workman had worked for more than 240 days in every year before his termination. Admittedly no retrenchment compensation and notice pay has been paid to him, hence his retrenchment is bad in law.

8. Accordingly my award is that termination of the concerned workman is bad in law and he is entitled for reinstatement with back wages. As regards the relief of permanent absorption it will be open to the opposite party railway to absorb him on permanent basis if he is found fit.

B. K. SRIVASTAVA, Presiding Officer

Dated 28-12-1997

नई दिल्ली, 17 दिसम्बर, 1997

का.प्र.107.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सेन्ट्रल रेलवे, झांसी के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 6-12-97 को प्राप्त हुआ था।

[सं. एल-41012/135/96-आई प्रार (बी)]

पी. जे. माईकल, डेस्क अधिकारी

New Delhi, the 17th December, 1997

S.O. 107.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Central Railway, Jhansi and their workman, which was received by the Central Government on the 16-12-97.

[No. L-41012/135/96-IR(B)]

P. J. MICHAEL, Desk Officer

#### ANNEXURE

BEFORE SHRI B. K. SRIVASTAVA PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, DEOKI PALACE ROAD, PANDU NAGAR, KANPUR

Industrial Dispute No. 132 of 1997

In the matter of dispute between :

Jagdish S/o Darbari Lal,  
R.O. Nagla Sujau Ka Was,  
P.O. Beeri Chahar,  
Distt. Agra  
AND  
Divisional Railway Manager (P)  
Central Railway  
Jhansi

#### AWARD

1. Central Government Ministry of Labour New Delhi vide its notification No. L-41012/135/96-I.R. (B) dated 30-7-97 has referred the following dispute for adjudication to this Tribunal :

“Whether the action of the management of D.R.M.(P) Central Railway Jhansi in terminating the services of Shri Jagdish Sweeper, w.e.f. 23-2-92 is legal and justified? If not he is entitled to what relief?”

2. It is unnecessary to give the details of the case as after sufficient opportunity the concerned workman has not filed claim statement. Hence the reference is answered against the workman for want of prosecution and proof and he is not entitled for any relief.

B. K. SRIVASTAVA, Presiding Officer



नई दिल्ली, 17 दिसम्बर, 1997

का.भा. 108.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार नोर्दन रेलवे इलाहाबाद के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में, निर्विष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 16-12-1997 प्राप्त हुआ था।

[सं. एल-41012/173/95-आई आर (बी-I)]

पी. जे. माईकल, डेस्क अधिकारी

New Delhi, the 17th December, 1997

S.O. 108.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Northern Rly., Allahabad and their workman, which was received by the Central Government on the 16-12-97.

[No. L-41012/173/95-IR(B-I)]

P. J. MICHAEL, Desk Officer

#### ANNEXURE

BEFORE SRI B.K. SRIVASTAVA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, PANDU NAGAR, KANPUR

Industrial Dispute No. 33 of 1997

In the matter of dispute between :

D. K. Jha, Karyakari Adhyaksh,  
All India Railway Employees Confederation,  
T-46, Ganges Floor Mills G. T. Road, Kanpur.  
AND  
Divisional Railway Manager,  
Northern Railway, Allahabad.

APPEARANCE :

None for the Management.

D. K. Jha for the workman.

#### AWARD

1. Central Government, Ministry of Labour, New Delhi, vide notification no. L-41012/173/95-IR(B) dated 21-1-97 has referred the following dispute for adjudication to this Tribunal—

"Kya Railway Prashashan ka Sri Goli Prasad ko Artisen ka Vetan-Man na dena nyoychit hai ? Yadi nahi to sambandhit karmkar kis anotosh ka haqdar hai?"

2. The case of the concerned workman Goli Prasad is that he is working as skilled worker right from 30-9-77, he was paid the salary of casual fitter from 1977 to November 1984. On 2-12-84 he was given temporary status in the pay scale of Rs. 196-232 which according to IV pay commission report became as Rs. 750-940 Work of skilled workman like fitter carpenter black smith was regularly being taken from him but pay of skilled artisan is not being paid to him for which he is entitled. Hence he is entitled for the pay of skilled artisan w.e.f. 2-12-84.

3. The opposite party inspite of repeated opportunity did not file any written statement.

4. In support of his case the concerned workman has examined himself as W.W.I. besides he has filed Ext. W-1 to W-4 documents including service card and orders of superior authorities by which he was asked to perform the duties

of artisan. From this unrebutted evidence the case of the concerned workman is fully proved.

5. Accordingly, my award is that the concerned workman is entitled for the pay of skilled artisan w.e.f. 2-12-84.

B. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 17 दिसम्बर, 1997

का.भा. 109.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार इलाहाबाद बैंक के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्विष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 15-12-97 को प्राप्त हुआ था।

[सं. एल-12012/471/88-आई आर (बी-II)]

मनातन, डेस्क अधिकारी

New Delhi, the 17th December, 1997

S.O. 109.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Allahabad Bank and their workman, which was received by the Central Government on 15th December, 1997.

[No. L-12012/471/88-IR(B-II)]

SANATAN, Desk Officer

#### ANNEXURE

BEFORE SRI B. K. SRIVASTAVA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, PANDU NAGAR, KANPUR

Industrial Dispute No. 70 of 1989

In the matter of dispute between :

S/Shri Anil Kumar Shukla and Ram Narain,  
C/o P. C. Bajpai, 990 Y Block,  
Kidwai Nagar, Kanpur.

AND

Assistant General Manager,  
Allahabad Bank,  
Swarup Nagar, Kanpur.

APPEARANCE :

M. K. Verma—for the management; and

None—for the workmen.

## AWARD

Central Government, Ministry of Labour, New Delhi, vide notification No. L-12012/471/88-D2 (A) dated 10th March, 1989, has referred the following dispute for adjudication to this Tribunal :—

Whether the action of the management of Allahabad Bank in terminating the services of Sri Anil Kumar Khanna, Ram Narain and Ram Karan Yadav and not considering them for further employment while recruiting fresh hands u/s. 25H of I.D. Act is justified? If not, to what relief are the concerned workmen entitled?

2. In this reference there are three workmen viz. Anil Kumar Khanna, Ram Narain and Ram Karan Yadav.

3. It may be mentioned that in reference order the name is Anil Kumar Khanna without disclosing his father's name whereas the claim statement and evidence has been adduced by one Anil Kumar Shukla. Hence either the reference order is bad or the claim has been wrongly set up by filing claim statement and adducing evidence by wrong person. In either case this workman will not be entitled for any relief because of this fatal defects. Hence his case is not considered on merits.

4. The case of Ram Narain is that he was engaged as peon at Lalitpur branch of the opposite party on 18th March, 1983 and he worked upto 17th June, 1983 for 90 days. His services have been terminated in breach of section 25F and H of I.D. Act, hence it is bad in law.

5. Ram Karan Yadav concerned workman had not filed any claim statement at all.

6. The opposite party bank has filed reply in which it has been alleged that both Anil Kumar Khanna and Ram Narain were engaged for a fixed period. Their engagement came to an end by efflux of time.

7. Be that as it may the concerned workmen Ram Narain Yadav is not entitled for any relief for want of pleading and proof whereas Ram Narain concerned workman is not entitled for any relief as he had failed to prove his case by entering into the witnesses box.

8. From the above it is obvious that it is a case of almost no evidence. Hence, my award is that termination of all the three workmen is not bad in law and they are not entitled for any relief.

Dated : 28th November, 1997.

B. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 17 दिसम्बर, 1997

का.ग्रा. 110.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार देना बैंक के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निश्चित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण कानपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 13-12-97 को प्राप्त हुआ था।

[सं.एल-12012/558/89-आई.ग्रा. (बी-II)]  
सनातन, डेस्क अधिकारी

New Delhi, the 17th December, 1997

S.O. 110.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Dena Bank and their workman, which was received by the Central Government on 15-12-1997.

[No. L-12012/558/89-IR(B-II)]  
SANATAN, Desk Officer

## ANNEXURE

BEFORE SRI B. K. SRIVASTAVA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, PANDU NAGAR, KANPUR

Industrial Dispute No. 114 of 1990

In the matter of dispute :

## BETWEEN

J. N. Shukla,  
State Office Secretary,  
U.P. Bank Employees Union,  
B/26 Govind Pur Colony,  
Allahabad.

## AND

Regional Manager,  
Dena Bank Hazaratganj,  
Lucknow.

## APPEARANCE :

B. P. Saxena—for the Union ; and  
J. P. Bajpai—for the management.

## AWARD

1. Central Government, Ministry of Labour, vide its Notification No. L-12012/558/89-D-2-A dated 16-4-90, has referred the following dispute for adjudication to this Tribunal—

Whether the action of the management of Dena Bank in stopping the two annual increment of Sri K. L. Shami clerk w.e.f.

25-2-87 is justified? If not to what relief the workman concerned is entitled?

2. The concerned workman K. L. Shami was posted as cashier-cum-clerk at Meerut Cantt branch of the opposite party Dena Bank. On 9-1-84 he was allotted the duties of head cashier at this branch as regular head cashier Ravi Shanker Sharma had been sent for out door duty. That day he is ALLEGED TO HAVE COMMITTED CERTAIN acts of misconduct which has been formulated in the shape of chargesheet dated 8-3-1984. It runs as under—

While you were working as cashier-cum-clerk at our Meerut Cantt Branch you were allotted the duties of head cashier on 9th January, 1984 as the regular head cashier Sri Ravi Shanker Sharma had been sent to Currency Chest at Darwaganj, New Delhi in connection with cash remittance. On that day you received the currency notes of following denominations from the representative of M/s. Chandra Clothiers for depositing in their current account with the branch—

- 19 notes of Rs. 100/- each
- 17 notes of Rs. 50/- each
- 5 notes of Rs. 20/- each
- 14 notes of Rs. 10/- each
- 2 notes of Rs. 5/- each.

amounting to Rs. 3000 whereas in the accompanying pay in slip the amount is mistakenly entered as Rs. 2800. After counting money and noting some discrepancy in the value of Rs. 50 rupee notes tendered as mentioned on the reverse of the pay in slip instead of returning the excess money of Rs. 200 as it required of an employee of a credit institution like a Nationalised Bank, you affixed the received cash rubber stamp of the branch on the pay in slip as well as its counter foil as having received Rs. 2800 only and appropriated the excess money of Rs. 200 of yourself.

When the representative of said party came to the branch later claiming that he had paid Rs. 200 more to the head cashier i.e. yourself while depositing the cash, the cash of the branch was checked by the account in the presence of the Auditor Sri Hans Jain, of M/s. N. K. Agron who was there auditing the accounts of the branch and the cash was found to be talking after taking into account the amount depositing by the said party as Rs. 2800.

Thereafter the branch manager and the accountant expressed their intention to check your personal cash. As this intention you took out from your pocket four notes of Rs. 50 and some change. One of such fifty rupee currency note, the number

'17' was found to have been written thereon. The representative of the party i.e. Chandra Clothiers present nearby immediately claimed that those were four fifty rupees notes given to you alongwith the other cash and pointed the number '17' written on one of them and stated that he used to write the number of notes of each denomination on the last note. Branch Manager immediately took possession of these fifty rupees notes and thereafter the amount of Rs. 200 received excess from the party was returned to them.

One G. S. Velimbe was appointed enquiry officer. After completing enquiry he submitted his report. Agreeing with this report the disciplinary authority vide order dated 25-7-87 awarded punishment of stoppage of two increments. Feeling aggrieved the concerned workman has raised the instant industrial dispute.

3. In the claim statement it was alleged that enquiry was not fairly and properly held. It was maintained that on that day only Rs. 2800 was received by him and not Rs. 3000 hence he has not pocketed Rs. 200. In the reply it was maintained by the bank that the enquiry was fairly and properly held. The facts constitution the chargesheet are correct.

4. In the rejoinder nothing new has been alleged.

5. On the pleadings of the parties a preliminary issue regarding fairness and propriety of domestic enquiry was framed. Vide finding dated 26-2-96, this tribunal held that enquiry was not fairly and properly held. Accordingly the management was given opportunity to prove the misconduct on merits. Thereafter, the management examined the then Branch Manager A. H. Trivedi M.W. 1 and another manager R. S. Ojha M.W. 2. In rebuttal the concerned workman K. L. Shami examined himself as W.W. 1.

6. A. H. Trivedi M.W. 1 has stated that he was posted as Manager at Cantt Branch of the bank between 1982 to 1985. A complaint was received by a party that the concerned workman during the course of deposit of Rs. 3000 he had credited Rs. 200 less which is in the denomination of Rs. 50. Thereafter a search of the concerned workman was taken and then from him four notes of Rs. 50 denomination were recovered from his pocket alongwith Rs. 16 more. On the envelope in which these notes were handed over to the concerned workman word '17' were written which was scored and word '19' were written in its place to show that only 13 notes of Rs. 50 were given to him. In his cross examination he has stated that one Inspector Nirmal Jain had taken the search and had also checked the cash. There is no other cross examination.

7. R. S. Ojha M.W. 2 has fully corroborated him as eye witness of this recovery. In his cross examination he has stated that there is overwriting upon

the figure '17' and has been converted into '13'. Thus from the above it will be seen that both the witnesses have not been cross examined at all about the fact of recovery of Rs. 200 from the pocket of the concerned workman which were the subject matter of deposit by the customer. It is well settled law that when a party does not cross examine a witness on a certain facts which is the subject matter of issue it will be deemed that such party does not dispute the correctness of such fact. Cross examination is a valuable weapon in the hands of adversary to find out the truth.

8. K. L. Shami W.W. 1 has stated that no search was taken from his possession and no recovery was made, on that date only Rs. 2800 were deposited. Hence he has not misappropriated Rs. 200. He has been falsely implicated. In his cross examination he has denied the suggestion that he had misappropriated Rs. 200 and that Rs. 200 were recovered from his possession. Further he has not given the particulars of enquiry due to which it can be said that he had been falsely implicated. It is unlikely that these officers of the bank would tell the F.I. Further as their evidence is uncross examined it is entitled for greater weight than that of the concerned workman.

9. It was argued on behalf of the concerned workman that Nirmal Jain had not been examined. I think it was not necessary for the management to have examined all the witnesses. These two witnesses of the bank were witness of recovery, hence their evidence is based on personal knowledge as such it is entitled for full weight.

10. In view of above discussion, I believe the version of the management and disbelieve the version of the concerned workman. I find that the charge is fully proved. As the punishment is less than removal or dismissal from service it cannot be seen here. In the end my award is that the action of the management in awarding punishment of stoppage of two increments on the workman is justified and legal. Consequently the workman is not entitled for any relief.

5-12-1997.

B. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 17 दिसम्बर, 1997

का. प्र. 111.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अन्वय में, केन्द्रीय सरकार बैंक ऑफ इंडिया के प्रबन्धतंत्र के संबंध में नियोजकों और उनके कर्मचारियों के बीच, अन्तर्बन्ध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण कानपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 15-12-97 को प्राप्त हुआ था।

[सं. एल-12012/659/89-आई आर (बी-II)]

संयोजन, बैंक अधिकारी:

New Delhi, the 17th December, 1997

S.O. 111.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Bank of India and their workman, which was received by the Central Government on 15-12-1997.

[No. L-12012/659/89-IR(B-II)]

SANATAN, Desk Officer

### ANNEXURE

INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, PANDU NAGAR, KANPUR

Industrial Dispute No. 119 of 1990

In the matter of dispute :

BETWEEN

A. S. Sachan,  
S/o Bhupendra Singh,  
13/108 Parmat,  
Kanpur.

AND

Regional Manager,  
Bank of India,  
Regional Office,  
Kanpur Region,  
Kanpur.

### AWARD

1. Central Government, Ministry of Labour, vide Notification No. L-12012/159/89/D.A. dated 24-4-84 has referred the following dispute for adjudication to this Tribunal for adjudication—

Whether the action of the management of Bank of India in dismissing Sri A. S. Sachan from the services of the bank w.e.f. 26-4-85 is justified? If not, what relief the workman concerned is entitled?

2. There is no dispute that the concerned workman A. S. Sachan was working as Special Assistant at Kaushalpuri Branch of the opposite party Bank of India some times in the year 1976 to 1979. During that course he is alleged to have committed certain acts of commission and omission which were formulated in the shape of charge-sheet dated 12-4-84 which runs as under—

1. On 26-5-76 you fraudulently transferred an amount of Rs. 3000 from the S.B. A/c No. 995 of Smt. Sudash Kumari to the S.B. A/c No. 3755 of Sri Hari Sukhdeo

Kumar by forging her signatures on withdrawal slip No. 03330 dated 25-5-70. After making improper transfer entry in the account of Mr. Sudeesh Kumari on 20-5-70 you made false debit entry of Rs. 1200 as of 20-5-70 and Rs. 1000 as of 20-5-70 in the account whereas no such transaction took place on those dates in fact these transactions had taken place on 01 and 01 May 1970 respectively.

2. You made fictitious entries in the pass-book belonging to Smt. Sudeesh Kumari S.D. A/c No. 775 being interest amount for the half year ended May 1979 and November 1979 as Rs. 152.50 and Rs. 155.50 respectively whereas the actual interest amount was Rs. 52.36 and Rs. 55.50 respectively and initiated there against.
3. You made fictitious credit entry of Rs. 2000 in S.D. A/c No. 5681 on Sri K. N. Katyar on 20-8-77 whereas no such amount was deposited by Sri Katyar on that day in his account and thereafter on 9-9-1977 you debited this amount in the account of Sri Katyar and received the payment thereof yourself. Thus you forged the bank's books cause loss of Rs. 2000 to the bank and misappropriated Rs. 2000 in connivance with the account holder.

One Tara Singh an Industrial Relation Officer of the bank was appointed enquiry officer. After completing enquiry he submitted his report on 3-1-85 holding that all the charges were proved against the concerned workman. Agreeing with this report, the disciplinary authority vide order dated 26-4-85 passed order of dismissal.

3. Feeling aggrieved by this order, the concerned workman raised an industrial dispute. In the claim statement it was alleged that one Deshpandey was the branch manager of this branch who was ill disposed towards the concerned workman. Later on this branch manager was transferred to vigilance department. Deshpandey was harbouring ill will against the concerned workman. He had manipulated a case against the concerned workman which later on was found in the shape of chargesheet. Thus in fact the concerned workman had not committed any act as alleged in the three charges. It was also alleged that enquiry was not fairly and properly held.

4. On the other hand the management bank alleged that enquiry was fairly and properly held and it was denied that Deshpandey had any ill will against the concerned workman. Further the chargesheet is based on true facts.

5. In the rejoinder nothing new was alleged.

6. On the pleadings of the parties a preliminary issue regarding facts and propriety of domestic enquiry was framed. This Tribunal vide finding dated 7th July, 1996 negated all the objections of the concerned workman except one. It was found that the concerned workman was prejudiced in as much as he was not provided the help of Advocate for defending him during the course of enquiry inspite of his request. Hence this enquiry report was set aside and the management was given opportunity to prove the misconducts on merits.

7. Subsequently the management examined Ram Vishwakarma M.W.I. He has stated that he was posted as branch manager at Kaushalpuri branch between September, 1979 to March, 1982. In 1970, one incident of fraud committed by the concerned workman came to light. He had transferred Rs. 5000 from the account of Smt. Sudeesh Kumari in the account of Sukhdeo Kumar illegally. Earlier the concerned workman had illegally inflated the interest amount in the pass book of Smt. Sudeesh Kumari. Thereafter he proved Ext. M-1 to M-5. The management had also filed a number of documents vide list dated 27th March, 1995, as required by the concerned workman. However, these documents have not been proved. In rebuttal the concerned workman examined himself as A. S. Sachan. He has specifically stated that he had not transferred in the ledger book. In fact he had not dealt with any such matter. There is no other evidence.

8. From the above it will be evident that evidence of Ram Vishwakarma is not based on his personal knowledge. He was not even posted at Kaushalpuri Branch during relevant period. He has not proved the ledger which is alleged to have been written by the concerned workman for Rs. 3000 earlier entry in the pass book of Smt. Sudeesh Kumari has not been proved. Thus virtually it is a case of no evidence as far as charges 1 and 2 are concerned.

9. Any way the concerned workman has filed the copy of affidavit Ext. W-61 dated 16th November, 1983, in which Smt. Sudeesh Kumari had sworn that no financial irregularity have been committed in her account or pass book. This further belies the version of the management. In any case Sudeesh Kumari and Basant Seth, the then branch manager of the bank should have been examined to prove the case.

10. The documents Ext. M-1 to M-5 filed by the management also do not help the case of the management in any manner. Ext. M-1 is the copy of order of LCA case no—whereas Ext. M-2 to M-5 are extracts of proceedings before conciliation officer which had preceded this reference. These papers in no way lend support to the case of management in respect of any of the charges.

11. In view of above discussions, I do not accept the version of the management. Accordingly charges nos. 1 and 2 are not proved.

12. As far as charge No. 3 is concerned there is no iota of evidence on it hence this charge is also not proved for want of evidence.

13. Thus having found that all the three charges are not proved, it is obvious that the punishment awarded to the concerned workman on this basis is bad in law. As such my award is that the concerned workman will be entitled for reinstatement with back wages unless reached at the age of superannuation.

B. K. SRIVASTAVA, Presiding Officer

नई, दिल्ली, 17 दिसम्बर, 1997

का.ग्रा. 112 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सेंट्रल बैंक ऑफ इंडिया के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबन्ध में निदिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण अलपुजा के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 16-12-97 को प्राप्त हुआ था।

[सं. एल-12012/211/93-आई.ग्रा.-(बी. II)]  
सनातन, डेस्क अधिकारी

New Delhi, the 17th December, 1997

S.O. 112.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Alappuzha as shown in the Annexure in the Industrial Dispute between the employers in relation to management of Central Bank of India and their workman, which was received by the Central Government on 16th December, 1997.

[No. L-12012/211/93-IR(B-II)]  
SANATAN, Desk Officer

#### ANNEXURE

#### IN THE COURT OF THE INDUSTRIAL TRIBUNAL, ALAPPUZHA

(Dated this the 26th day of November, 1997)

#### PRESENT :

Shri K. Kanakachandran, Industrial Tribunal.  
I.D. No. 7/95

#### BETWEEN

The Regional Manager, Central Bank of India, Regional Office, Geo Towers, Sahodaran Ayyappan Road, Valanjambalam, Kochi-682 016.

#### AND

The workman of the above concern Shri Abdul Gafoor E., C/o Shri H. B. Shenoy, General Secretary, Cochin Labour Union, Vatsal, Krishnaswamy Road, Kochi-682 035.

#### REPRESENTATIONS :

M/s. Menon & Pai, Advocates, Cochin-18—  
For Management.

Shri H. B. Shenoy, General Secretary, Cochin Labour Union, 'VATSAL', Krishnaswamy Road, Kochi-682 035—For Workman.

#### AWARD

1. This industrial dispute was initially referred to the Industrial Tribunal, Quilon through the order No. L-12012/211/93-IR(B-II) dated 4th April, 1994 of the Government of India, Ministry of Labour. That dispute I.D. No. 9/94 pending before the Industrial Tribunal, Quilon was later transferred to this tribunal by the subsequent order of the Government of India No. L-12012/211/93-IR(B-II) dated 20-2-95. The issues referred for adjudication read as follows :—

“Whether the action of the management of Central Bank of India, Cochin in terminating the services of Shri Abdul Gafoor E., Ex. Casual Worker with effect from 1992 and not providing him the one-time opportunity for empanelment for future absorption as envisaged in the Approach Paper circulated by the Ministry of Finance in 1990 is justified? If not, what relief is the said workman entitled to?”

2. In the statement of claim filed by the workman it is contended that he was working as a Peon in the Alleppey Branch of the management Bank from March, 1985 onwards. Though he was not given any appointment order, all along he was working in a regular vacancy and doing permanent nature of work. When he was in employment he had been discharging his duties diligently and honestly and without giving any room for complaint. Although he was discharging the duties of a permanent peon, he was not extended with the privileges and monetary benefits as were extended to regular employees. He was treated as a temporary workman all the time only to deny him the status and the privilege of the permanent employee. Although he had made several requests for regularising him in service, no steps were taken by the management in that respect. Instead, the management retrenched him from service in December, 1991 and that was in violation of Secs. 25-F, 25-G and 25-H of the Industrial Disputes Act and also

paras 522, 523 and 524 of the Sastri Award. No notice or compensation was given to him before the termination of his service and hence the same is illegal and ab-initio void. After retrenching him from service, for doing the same work which he was doing, some others were engaged. Management had conducted a written test for the absorption of temporary workmen in the permanent cadre on 4th March, 1992 and in that test, only persons of their choice were called for and after interview, some of them were absorbed in the management bank as regular peons. While making such regularisation, even juniors of him having temporary service were given appointment on regular basis. As per the Circular No. 622 and dated 12-3-1991 issued by the Head Office of the Management Bank, all the eligible employees were called for test and interview. Although he satisfied the conditions mentioned in that circular, he was not given any opportunity to participate in the test and interview. Therefore the plea of the workman is for a direction to the management to restate him in service with the benefit of full backwages and continuity of service.

3. In the written statement filed by the management bank, they had given the details of total number of days the workman had worked during the period from 1986 to 1992. As per the figures given in the written statement, he had worked altogether only 315 days during the span of 7 years. According to them since total service in a calendar year at any time was far less than the required minimum of 240 days, he was not eligible to get any protection as envisaged in Section 25-F of the I. D. Act. The contention that the workman was working in a permanent vacancy and discharging all the duties and functions of a regular peon is also disputed by the management. According to them he was only engaged on casual basis and because of that he did not acquire any vested right for being appointed as a peon. Since the management Bank being a Public Sector Undertaking, the filling up of the regular vacancies can be only in accordance with the recruitment rules and subject to reservation principles and other Governmental directions. In view of that, any regularisation of casual employees will be held as illegal. Merely because he was engaged on casual basis to meet the exigencies in work, he will not acquire the rights and privileges of a permanent workman. Since he had not worked for 240 days in any of the calendar years, he was not eligible for any kind of protection as envisaged in Section 25-F of the I. D. Act. During the seven years period, he had worked only for 315 days and that too on casual basis. If anybody was appointed on regular basis, it was only in accordance with the recruitment policy of the Bank which is in consonance with the statutory provisions and Governmental directions in the matter on reservation. The contention that he was treated only as temporary

workman to deny him the privileges and status of a permanent workman is also denied by the management. On the contention based on the circular issued by the Bank on 20-9-1993 regarding regularisation of temporary employees it is contended that Bank had considered the case of casual workers who had worked for the period from 1-1-1982 for absorption in the immediate available vacancies as a one time measure. As per that circular, any temporary worker who had worked for 240 days continuously during a period of 12 months at any time in between 1-1-1982 to 31-12-1990 were eligible for absorption. Those who had worked for 90 days from 1-1-1982 to 24-12-1990 and whose names are registered in the employment exchange are also entitled to be considered. In another category, the persons who had worked at least 60 days in any year during the period from 1-1-1987 to 24-12-1990 and whose names were sponsored by employment exchange were also made eligible for consideration for being appointment on regular basis. Since the workman was not eligible to be included in any of the categories, he was not called for interview. Therefore according to the management there is no merit in the contentions raised in the claim statement.

3. An elaborate reply statement was filed by the workman by which all the contentions raised by the management were disputed. It is stated that the engagement of the workman on daily basis was in the place of a permanent subordinate staff and thus he was discharging temporarily all the works of a permanent peon. Therefore he would come within the definition of 'temporary workman' so as to have various safeguards contemplated in the bipartite settlements and awards of the National Tribunals. The contention of the management that he had only 315 days of service during the entire period from 1986 to 1992 is also disputed. According to the workman he had put in more than 240 days of service in all the calendar years between 1986 and 1992. Regarding the entitlement for regularisation it is contended that since he had to his credit more than 240 days of service in all the calendar years, he is entitled for regularisation in terms of the circular issued by the management pursuant to the Government of India's letter dated 16th August, 1990. Although he was entitled for regularisation, only juniors of him who were discharging the identical functions were given the benefit of regularisation.

4. The term "temporary employee" has been given definition through various settlements and awards pertaining to the banking industry. The term temporary employee was defined for the first time in the Sastri Award. It says that :

"Temporary employee means an employee who has been appointed for a limited period for a work which is of an essentially temporary nature, or who is

employed temporarily as an additional employee in connection with a temporary increase in work of a permanent nature."

5. The above definition had undergone further modification through bipartite settlement dated 19th October, 1966. The term "temporary employee" would take in a workman who had been appointed for a limited period of work which is or essentially temporary in nature and include appointment in a temporary vacancy caused by the absence of a permanent workman. MW1 who is the Regional Manager of the management Bank at Cochin while rendering evidence before this Tribunal has stated that the workman herein worked as a casual employee when permanent peon was on leave. According to him as in the case of workman herein, some others were also engaged on temporary or casual basis and to those who were appointed on casual basis, the daily wage would be given on the same day itself. MW1 has stated that whenever any person is engaged on casual basis, he will be paid wages through vouchers and the same will be noted in the pass book.

6. The Management had produced pass book relating to the period 1980—1992 in another industrial dispute I.D. 25/94 which was disposed of by this Tribunal. That dispute was between the management and some other workman. A petition was filed by the management for incorporation of the evidence let in that dispute also for the proper adjudication of this dispute.

7. The management filed a statement showing the number of days the workman had worked during the period from 1986 to 1990. In the estimation of the management, the total number of days the workman had worked during the entire period from 1986 to 1990 was only 315. On the other hand, the case of the workman is that he had worked almost continuously in all the years and the total number of days worked every year would exceed 240 days. According to the workman, he is not in possession of any record to show the number of days he had worked during the above said period. For the receipt of wages he received, he had given vouchers and all those vouchers are in the custody of the Branch in which he was working. According to him, so long as the management is the custodian of such documents, he is not in a position to adduce any documentary evidence to substantiate his case.

8. MW1 has stated that there were six permanent peons in the Alleppey branch of the management and the workman and others had occasion to work whenever any of the permanent peons was absent. Therefore for getting approximate number of days the workman had worked, any material showing the total number of days the permanent peons were absent would be an additional evidence.

Any form of direct evidence will be beyond the control of the workman, because he is not at all the custodian of any of such documents. In the absence of any convincing documentary evidence this Tribunal is not in a position to say one way or other whether the workman had rendered 240 days of service during the period of 12 months immediately preceding the alleged termination. Even the workman has admitted that some others were also appointed just like him and nobody would be allowed to continue for more than 60 days at a stretch. If that be the position, the likelihood of engagement of 240 days in a year will be rather remote. In that circumstance it is quite unsafe to rely on the pleading advanced by the workman that he had to his credit more than 240 days of service during the 12 months period immediately preceding the alleged termination. Therefore management cannot be blamed for non compliance of Sec. 25-F of the I.D. Act. Now the question is whether the workman is entitled for any benefit as envisaged in Ext. M1 settlement dated 24th December, 1990 which had undergone some changes subsequently. As per Ext. M1 settlement, those who had 240 days of temporary service in any of the years in between 1st January, 1987 and December, 1990 will be entitled for regularisation without any test or interview or sponsoring by the Employment Exchange. In the case of temporary employees whose names were registered with the Employment Exchange, if they had to their credit 180 days of service at any time after 1st January, 1987 to the date of settlement, they are entitled to be called for test and interview. In the third category, those who had been sponsored by the Employment Exchange and had worked at least 60 days in any year from 1st January, 1987 will be entitled to be called for test and interview for the purpose of regular appointment. The provisions contained in Ext. W1 settlement had undergone some changes subsequently. By the agreement dated 6th April, 1993 it is modified like this :

"3.1. Temporary employees who had worked for 90 days or more from 1st January, 1982 to 24th December, 1990.

The temporary employees whose names were registered with Employment Exchange but not forwarded/sponsored and have worked for 90 days or more after the cut off date i.e., 1st January, 1982 to the date of agreement i.e., 24th December, 1990."

9. The employees coming within that category will be empanelled in order of merit and will have preference to other candidates in recruitments. Similarly temporary employees who had worked 90 days or more in between 1st January, 1982 and 31st December, 1986 and 60 days from 1st January, 1987 to 24th December, 1990 are also eligible for test and interview even if their names were



sponsored or forwarded by the Employment Exchange. Here, in this case even as per the particulars furnished by the management themselves (evident from Ext. M2) it can be seen that in between 1st January, 1986 and 24th December, 1990, the workman had worked for more than 90 days of service. At the time of hearing the learned counsel for the workman had produced before this Tribunal the Employment Exchange Registration card of the relevant period which was in his possession. Therefore the workman will satisfy the condition stipulated by the management and therefore he will come within the eligible category for being called for test and interview. Admittedly he was not at all called for interview although some others who had worked just like him in the management bank were called for test and interview. In fact they were regularised in service also. According to me, this is a fit case in which the management should have called the workman for test and interview. Therefore an award is passed with a direction to the management to give opportunity to the workman to participate in the test and interview which may be held for filling up next vacancy of subordinate staff anywhere in Kerala Zone. Since giving of one time opportunity is in accordance with the provision contained in the settlement of the year 1990 as modified from time to time, any of the contrary provisions in the existing recruitment rules shall not be a hindrance for the consideration of his case.

(Dated this the 26th day of November, 1997)

K. KANAKACHANDRAN, Industrial Tribunal

#### APPENDIX

(I.D. No. 7/95)

Witness examined on the side of the Management :

MW1 : S. Paul Dasan,

Witness examined on the side of the Workman:  
WW1 : Abdul Gafoor.

Exhibits marked on the side of the Management:

M1 : Copy of Memorandum of Settlement dated 24th December, 1990.

M2 : Copy of a statement showing the number of days worked by Sri. Abdul Gafoor.

Exhibits marked on the side of the Workman :

W1 : Circular No. CO 93-94/234 dated 20th September, 1993 of Industrial Relations & Policy Division of Central Bank of India regarding absorption of Temporary Employees.

W2 : Circular No. F3/3/104/07-IR dated 10th August, 1990 of Ministry of Finance regarding Recruitment & Absorption of temporary employees in Public Sector Banks.

नई दिल्ली, 17 दिसम्बर, 1997

का.आ. 113:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार यूनाइटेड कमर्शियल बैंक के प्रबन्धन के संबंध में निम्नलिखित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण कानपुर के पंचाद को प्रकाशित करती है, जो केन्द्रीय सरकार को 15-12-97 को प्राप्त हुआ था।

[सं. एल-12012/298/94-आई आर. (बी.-II)]

सनातन, डेस्क अधिकारी

New Delhi, the 17th December, 1997

S.O. 113.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of United Commercial Bank and their workman, which was received by the Central Government on 15-12-97.

[No. L-12012/298/94-IR(B-II)]

SANATAN, Desk Officer

#### ANNEXURE

BEFORE SRI B. K. SRIVASTAVA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, PANDU NAGAR, KANPUR

Industrial Dispute No. 30 of 1995

In the matter of dispute :

BETWEEN

Suresh Kumar Sonkar,  
C/o V. N. Sekhari,  
26/104 Birhana Road,  
Kanpur.

AND

Zonal Manager,  
United Commercial Bank,  
23 Vidhan Sabha Marg,  
Lucknow.

## AWARD

1. Central Government, Ministry of Labour, vide Notification No. L-12012/298/94-IR(B-2) dated 21-2-95, has referred the following dispute for adjudication to this Tribunal—

Whether the action of the management of UCO Bank Lucknow in terminating the service of Sri Suresh Kumar Sonkar casual workman w.e.f. 23-7-93 is legal and justified? If not what relief is the said workman entitled to?

2. The case of the concerned workman Suresh Kumar Sonkar is that he was engaged as temporary peon on permanent post at Laipat Nagar Branch at Kanpur of the opposite party UCO Bank on 5-9-89 and worked upto 23-7-93. During this period some times wages were given to him in his name still some times these wages were given to him in the fictitious name. Whereas his signatures were on payment receipt. In this way he had completed more than 240 days in a year preceding the date of his termination. Hence his termination is bad in breach of provisions of section 25F of I.D. Act, as no retrenchment compensation and notice pay was given to him. Further this retrenchment is also bad being in breach of section 25G and 25H of I.D. Act.

3. The opposite party bank has filed reply in which it has been alleged that the concerned workman was engaged as a water boy. He did not work continuously. He also did not perform the duty of a peon. Lastly it is alleged that he was a daily rated worker. There is a procedure of appointment of peon hence if the applicant is allowed to join as peon it will amount to back door entry.

4. In the rejoinder it has been denied that the concerned workman was engaged as a water boy.

5. In support of his case, the concerned workman has examined himself as Surendra Kumar Sonkar W.W. 1 beside he has filed Ext. W-1 to W-5. Further he has relied upon the joint inspection report. In rebuttal the management examined V. K. Shroff M.W. 1. Further the management has filed Ext. M-1 to M-5, the entries of saving banks account of the workman.

6. The first point which requires consideration is whether the concerned workman has worked as peon on permanent post. In this regard there is evidence of Suresh Kumar Sonkar W.W. 1. In rebuttal there is evidence of V. K. Shroff M.W. 1. In his cross examination he has admitted that he was not posted at Laipat Nagar branch pertaining to period of engagement of the concerned workman. Thus his evidence is being not based on personal knowledge is of no consequence. Thus the evidence of the concerned workman is more or less

unrebutted. Hence, I accept it and hold that the concerned workman had worked as peon on a permanent post and not as a water boy as alleged by the management.

7. The second point is as to whether the concerned workman had completed 240 days. In this regard once again there is unrebutted evidence of Suresh Kumar Sonkar W.W. 1. It has already been held that the evidence of V. K. Shroff is of no consequence as he was not posted during the relevant period at this branch. Hence it is held that the concerned workman had completed 240 days in a year preceding the date of his termination. Admittedly no retrenchment compensation and notice pay was given to him. Hence, this termination is bad being in breach of section 25F of I.D. Act.

8. The authorised representative of the opposite party bank has relied upon the case of Himanshu Kumar Vidvarthi vs. State of Bihar 1997(76)FLR 237, Sushil Kumar Pandey vs. Director Bal Vikas Sewa avam Paushtik Ahar 1993 LLR, 279 (All) and Hindustan Education Society versus Kaleem 1997(76)FLR 262. In all these cases it was found that the workman was not working on any permanent post. Hence it was held that such workmen could not be reinstated. I think that this principle would not apply to the facts of the present case as in this case it has been found that the concerned workman was working on a permanent post. Hence, this ruling will not be impediment in allowing reinstatement of the concerned workman.

9. No doubt there is question of back door entry but for this management is to blame those officers and should take action against them who had indulged in that activity.

10. In the end my award is that the termination of the concerned workman being in breach of section 25F of I.D. Act is bad in law and he is entitled for reinstatement.

B. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 17 दिसम्बर, 1997

का.आ. 114 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 की अनुसरण में, केन्द्रीय सरकार इलाहाबाद बैंक के प्रबन्धन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबन्ध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण कानपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 15-12-97 को प्राप्त हुआ था।

[सं. एल-12012/318/94-आई आर. (बी -II)]  
मनातन, डैस्क अधिकारी

New Delhi, the 17th December, 1997

S.O. 114.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Allahabad Bank and their workman, which was received by the Central Government on 15th December, 1997.

[No. L-12012|318|94-IR(B-II)]  
SANATAN, Desk Officer

## ANNEXURE

BEFORE SHRI B. K. SRIVASTAVA, PRESIDING OFFICER CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL - CUM - LABOUR COURT, DEOKI PALACE ROAD, PANDU NAGAR, KANPUR

Industrial Dispute No. 52 of 1995

In the matter of dispute :

## BETWEEN

General Secretary,  
U.P. Bank Employees Union,  
C.O., 10/2, Palika Marg,  
Civil Lines,  
Allahabad.

## AND

Chief Manager,  
Allahabad Bank,  
Civil Lines,  
Allahabad.

## AWARD

1. Central Government Ministry of Labour, New Delhi vide its Notification No. 12012|318|94-I.R.(B-2) dated 15th May, 1997 has referred the following dispute for adjudication to this Tribunal :—

Whether the demand of the U.P. Bank Employees Union, Allahabad on the management of Allahabad Bank, Allahabad for payment of interest on the withheld amount of leave encashment for 17 days in respect of Shri R. P. Tewari, Clerk is legal and justified? If so, what relief is the said workman entitled to?

2. It is unnecessary to give the details of the case as on 17th November, 1997 the Authorised Representative of the workman has state that he has no instructions. Hence the reference is answered against the workman for want of prosecution and proof and he is not entitled for any relief.

B. K. SRIVASTAVA, Presiding Officer

3291 GI/97-13

नई दिल्ली, 17 दिसम्बर, 1997

का.आ. 115 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सेंट्रल बैंक ऑफ इंडिया के प्रबन्धतंत्र के संबद्ध नियो-जकों और उनके कर्मचारों के बीच, अनुवृत्त में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण कानपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 15-12-97 को प्राप्त हुआ था।

[सं. एल-12012|232|94-आई.आर. (बी.-II)]

सनातन, डेस्क अधिकारी

New Delhi, the 17th December, 1997

S.O. 115.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Central Bank of India and their workman, which was received by the Central Government on 15-12-97.

[No. L-12012|232|94-IR(B-II)]

SANATAN, Desk Officer

## ANNEXURE

BEFORE SRI B. K. SRIVASTAVA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, DEOKI PALACE ROAD, PANDU NAGAR, KANPUR

Industrial Dispute No. 105 of 1994

In the matter of dispute :

## BETWEEN :

General Secretary,

Central Bank Employees Congress,  
U. P. M. I. G. C.-1241,  
Rajajipuram, Lucknow.

## AND

Deputy General Manager,  
Central Bank of India,  
Z.O. 23 Vidhan Sabha Marg,  
Lucknow.

## APPEARANCE :

Shri B. B. Prasad for the workman.

Shri B. G. Agarwal for the management.

## AWARD

1. Central Government Ministry of Labour New Delhi vide its Notification No. L-12012|232|94-I.R. B-2 dated 5-12-94 has referred the following dispute for adjudication to this Tribunal :

Whether the action of the management of Central Bank of India, Lucknow in not regularising and terminating the services

of Shri Rajesh Kumar, Driver at Regional Office, Varanasi w.e.f. 1-7-93 is justified ? If not, what relief is the said workman entitled to.

2. The case of the concerned workman Rajesh Kumar is that he was engaged as temporary Car driver by the opposite party Central Bank of India at Lanka Branch, Varanasi w.e.f. 6-2-88. In that course he had to drive the car of the Regional Manager. He was supplied dress winter and summer. He continued to work upto 30-6-93, whereafter he was removed from service in breach of Section 25F I. D. Act.

3. The opposite party bank has alleged in the written statement that the concerned workman was engaged as a personal driver of Regional Manager and pay was also paid to him by the Regional Manager. In this way he was not employee of the bank at all.

4. In the rejoinder it is denied that the concerned workman was personal driver of the Regional Manager. It was reiterated that he was the driver of the Bank.

5. The case of the concerned workman is belied by his own admission in the cross examination. He has admitted that he was the personal driver of Regional Manager. In view of this admission there is hardly any need to refer the evidence of Virender Singh MW(1) Pratap Narain Singh (MW(2) who has deposed like wise.

6. In view of above evidence I come to the conclusion that the concerned workman was the personal driver of the Regional Manager and not employee of the Bank. In the case of employer's in relation to Punjab National Bank V/s. Gulam Dastagir 1972 LLJ 312 it was held that a personal Driver of manager could not become an employee of the bank. However in the case practice of having personal driver for staff car supplied to the officer was dericeated. It was found as unfair labour practice. It is unfortune that this bank is still continuing with this unfair labour practice. Hence as the concerned workman has been a victim of unfair labour practice I would award Rs. 10,000/- as compensation. Accordingly my award is that the termination of the concerned workman is not bad still he will get Rs. 10,000/- as compensation from bank as for the reason given above.

B. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 17 दिसम्बर, 1997

का.आ. 116.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार यूनियन बैंक ऑफ इंडिया के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबन्ध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण कानपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 15-12-97 को प्राप्त हुआ था।

[सं. एल-12012/188/95-आई.आर. (बी.-II)]

सनातन, डेस्क अधिकारी

New Delhi, the 17th December, 1997

S.O. 116.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Union Bank of India and their workman, which was received by the Central Government on 15-12-97.

[No. L-12012/188/95-IR(B-II)]

SANATAN, Desk Officer

ANNEXURE

BEFORE SRI B. K. SRIVASTAVA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT PANDU NAGAR, KANPUR

Industrial Dispute No. 123 of 1996

In the matter of dispute :

BETWEEN

General Secretary,

Union Bank Employees Union,  
628/M-33 Murari Nagar, Faizabad

AND

Mahaprabhandhak,

Union Bank of India,  
Zonal Office Sharda Towers,  
Kapoorthala Complex Aliganj,  
Lucknow.

APPEARANCE :

U. C. Shukla for the Union and  
Rajesh Pandey for the Management.

AWARD

1. Central Government, Ministry of Labour, New Delhi, vide notification No. L-12012/188/95-IR B-2 dated 26-11-96 has referred the following dispute for adjudication to this Tribunal :—

Whether the action of the management of Union Bank of India, Jaunpur in paying Rs. 60/- for Jan. 84 to Dec. 86 and 1/3

scale of wages from 1-1-87 to 30-9-87 to Sri Kanhaiyalal, Part time Sweeper at their Janghai Branch in Jaunpur District is justified? If not to what relief the workman is entitled?

2. The case of the concerned workman Kanhaiya Lal is that he was engaged as a part time sweeper at Janghai Branch of the opp. party Union Bank of India w.e.f. January 84. He was paid Rs. 60 per month till December 1986 for sweeping carpet area measuring 1670 sq. ft. From Jan. 87 he was paid 1/3rd of the full salary. Thereafter from October 1987 till date he is being paid half of the salary despite the fact that carpet area had remained same throughout. Hence he is entitled for half wages from 1984 itself.

3. In the written statement it was alleged by the bank that from Jan. 84 to Dec. 86 the concerned workman was not engaged as a part time sweeper. Instead he was engaged as casual labour at fixed rate of Rs. 60/- per month as there was not enough work. He was given regular appointment w.e.f. 1-1-87 and taking into consideration the fact that he was doing work for more than 12 hours per week he was paid 1/3rd of full pay. Later on by memorandum date 28-6-89 it was decided that payment will be made according to time required for cleaning premises, including the toilet. It was in term of this scheme that the wages of the concerned workman were enhanced to half of the full pay. The concerned workman is not entitled for wages at this rate from Jan. 84 as at that time he was not working as part time sweeper.

4. In the rejoinder nothing new has been alleged.

5. In support of his case Kanhaiya Lal has examined himself as W.W. 1 and further he has filed Ext. W-1 to W-4. In rebuttal management has filed 5 documents M-1 to M-5 including copy of memorandum dated 28-1-89 which is relevant. Sanjai Bhargava M.W.1 has stated that the workman was not appointed as part time sweeper from January, 84. Instead he used to do duty as a casual worker. Subsequently he was given regular appointment w.e.f. 1-1-87. This fact has been admitted by the concerned workman. I believe the version of the management as it is the own admission of the concerned workman that he was paid Rs. 60/- per month. This is not the mode of payment for part time sweeper. Instead it is a mode of payment of casual worker. Hence it is held that from January 84 to December 1986 the concerned workman did not work as a part time sweeper at all. Instead for the first time he was engaged as a part time sweeper w.e.f. 1-1-87. Accordingly question of payment of half wages from January 84 does not arise.

6. Accordingly, my award is that the concerned workman is not entitled for half wages of the full pay w.e.f. January, 1984.

B. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 17 दिसम्बर, 1997

का.आ. 117.—श्रीद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार यूनियन बैंक ऑफ इंडिया के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण कानपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 15-12-97 को प्राप्त हुआ था।

[सं. एल-12011/22/95-आई.आर. (बी.-II)]  
सनातन, डेस्क अधिकारी

New Delhi, the 17th December, 1997

S.O. 117.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Union Bank of India and their workman, which was received by the Central Government on 15th December, 1997.

[No. L-12011/22/95-IR (B-II)]  
SANATAN, Desk Officer

#### ANNEXURE

BEFORE SHRI B. K. SRIVASTAVA, PRESIDING OFFICER CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL - CUM - LABOUR COURT, DEOKI PALACE ROAD, PANDU NAGAR, KANPUR

Industrial Dispute No. 119/96

In the matter of dispute :

#### BETWEEN

General Secretary,  
Union Bank Employees Union,  
628/M-33, Murari Nagar,  
Faizabad Road,  
Lucknow.

#### AND

Regional Manager,  
Union Bank of India,  
Sharda Towers, Kapoorthla Complex,  
Aliganj, Lucknow.

#### APPEARANCE :

Shri U. C. Shukla—for the Workman.

Shri Rajesh Pandey—for the Management.

## AWARD

1. Central Government Ministry of Labour, New Delhi vide its notification No. L-12011/22/95-I.R.(B-2) dated 26th November, 1996 has referred the following dispute for adjudication to this Tribunal :

Whether the action of the management of Union Bank of India, Aliganj, Lucknow to transfer the services of Sri Sanjay Pandey from Regional Office, Jaunpur to branch office, Jaunpur is legal and justified? If not, what relief the workman is entitled to?

2. There is no dispute that the concerned workman Sanjay Pandey was posted as a Clerk/Cashier in Regional Office, Jaunpur. Later on the concerned workman was transferred at Main branch at Jaunpur.

3. In the claim statement the validity of this transfer has been questioned on the ground that it is against the transfer policy as it is in violation of Bipartite Settlement. It has been further alleged that the concerned workman is a member of Union Bank Employees Union. He has been transferred under the pressure of another union staff association in terms of settlement. This union is in minority. Further the concerned workman was depriving of financial gain by way of travelling expenses etc. He will be deprived of it. Hence this transfer order is bad.

4. In the written statement it has been admitted that transfer has been made in terms of settlement arrived at between the Local Union and the management. It is further alleged that there was lot of discontentment among the employees as only few persons were getting financial benefit by way of transfer allowance. These employees were demanding that they should also be given benefit for such travelling expenses by rotating their transfers. It was to meet this just demand that settlement was arrived.

5. In the rejoinder nothing new has been said.

6. The first point which calls for determination is as to whether this transfer policy by way of settlement is bad. There is no dispute that the union with which management has arrived at the settlement is in minority. In the case of Air India Hostess Association V/s. Air India Limited 1997 Lab. I.C. 2569 it has been alleged that terms of settlement arrived at even by a minority union can be binding if it is in the interest of employees. In the instant case the object with which settlement has been arrived at, is laudable as much as by making postings regularly financial benefit of travelling expenses will be available to all. Hence I do not find any flaw in the settlement.

7. The other contention of the workman is that he has been deprived of financial benefits by way of travelling expenses. In my opinion income from travelling expenses can not be claimed as matter of right. Further it is not condition of service.

8. In view of above discussion both the ground on which transfer has been challenged, fail to ground.

9. In view of above discussion my award is that transfer of the concerned workman from Regional Office Jaunpur to Main Branch Jaunpur is not bad in law and the concerned workman is not entitled for any relief.

B. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 17 दिसम्बर, 1997

का.आ. 118.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसूचन में, केन्द्रीय सरकार सेंट्रल बैंक ऑफ इंडिया के प्रबन्धन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण कानपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 15-12-97 को प्राप्त हुआ था।

[सं. एल-12012/276/96-आई.आर. (बी.-II)]

सनतान, डेस्क अधिकारी

New Delhi, the 17th December, 1997

S.O. 118.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Central Bank of India and their workman, which was received by the Central Government on 15th December, 1997.

[No. L-12012/276/96-IR(B-II)]

SANATAN, Desk Officer

## ANNEXURE

BEFORE SHRI B. K. SRIVASTAVA, PRESIDING OFFICER CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL - CUM - LABOUR COURT, DEOKI PALACE ROAD, PANDU NAGAR, KANPUR

Industrial Dispute No. 135 of 1997

In the matter of dispute :

BETWEEN

Mukesh Kumar,  
S/o Shri Nek Ram,  
58, Kachhipura Cantt.,  
Agra.

## AND

Regional Manager,  
Central Bank of India,  
Regional Office,  
37/2/4 Hind Floor,  
Sanjay Palace,  
Agra.

## AWARD

1. Central Government Ministry of Labour, New Delhi vide its Notification No. L-12012/276/96-IR(B-II) dated 5th August, 1997 has referred the following dispute for adjudication to this Tribunal :

Whether the action of the management of Central Bank of India, Agra in not calling Sri Mukesh Kumar for interview for recruitment of sub-ordinate cadre post is legal and justified? If not, to what relief the said workman is entitled?

2. It is unnecessary to give the details of the case as after sufficient opportunity the concerned workman has not filed claim statement. Hence the reference is answered against the workman for want of prosecution and proof and the workman is not entitled for any relief.

B. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 17 दिसम्बर, 1997

का.आ. 119:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार न्यू इंडिया एश्योरन्स कं. लि. के प्रबंधन के संबंधित नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण कानपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 15-12-97 को प्राप्त हुआ था।

[सं. एल-17012/41/96-आई.आर. (बी.-II)]  
सनातन, डेस्क अधिकारी

New Delhi, the 17th December, 1997

S.O. 119.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of New India Assurance Co. Ltd., and their workman, which was received by the Central Government on 15-12-97.

[F. No. L-17012/41/96-IR(B-II)]  
SANATAN, Desk Officer

## ANNEXURE

BEFORE SRI B. K. SRIVASTAVA, PRESIDING  
OFFICER, CENTRAL GOVERNMENT INDUS-  
TRIAL TRIBUNAL-CUM-LABOUR COURT,  
DEOKI PALACE ROAD, PANDU NAGAR,  
KANPUR

Industrial Dispute No. 174 of 1997

In the matter of dispute :

## BETWEEN

Ramesh Kumar Tripathi,  
S/o Sh. Ram Anugrah,  
Vill. Benipur, P.O. Pendi,  
Distt. Allahabad.

## AND

The Assistant Manager,  
The New India Assurance Company Ltd.,  
(Legal Cell, 94, M. G. Road,  
Opp. Rajbhavan, Hazratganj,  
Lucknow.

## AWARD

1. Central Government Ministry of Labour, New Delhi vide its Notification No. L-17012/041/96-IR (B-II), dated 27-8-97 has referred the following dispute for adjudication to this Tribunal :

Whether Sh. Ramesh Kumar Tripathi, Water Boy has worked from 1-7-88 to 31-3-91 with the management of New India Assurance Company Limited, Raebareli. Whether his termination from service w.e.f. 1-4-91 by the management is not legal and justified? If so, he is entitled to what relief?

2. It is unnecessary to give the details of the case as after sufficient opportunity the concerned workman has not filed claim statement. Hence the reference is answered against the concerned workman and he is not entitled for any relief.

B. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 17 दिसम्बर, 1997

का.आ. 120.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बैंक ऑफ़ बड़ोदा के प्रबंधन के संबंधित नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 15-12-97 को प्राप्त हुआ था।

[सं. एल-12012/297/94-आई.आर. (बी.-II)]  
सनातन, डेस्क अधिकारी

New Delhi, the 17th December, 1997

S.O. 120.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Bank of Baroda and their workman, which was received by the Central Government on 15-12-97.

[F. No. L-12012/297/94-IR(B-II)]  
SANATAN, Desk Officer

#### ANNEXURE

BEFORE SRI B. K. SRIVASTAVA, PRESIDING  
OFFICER, CENTRAL GOVERNMENT INDUS-  
TRIAL TRIBUNAL-CUM-LABOUR COURT,  
PANDU NAGAR, KANPUR

Industrial Dispute No. 33 of 1995

In the matter of dispute :

#### BETWEEN

Sheo Kumar son of Late Ram Charan,  
House No. 283, Sagar Gate,  
Jhansi.

#### AND

Branch Manager,  
Bank of Baroda,  
Main Branch, Jogan Bagh,  
Jhansi.

#### AWARD

1. Central Government Ministry of Labour, vide its Notification No. L-12012/297/94-I.R. B-2, dated 28-2-95, has referred the following dispute for adjudication to this Tribunal—

Whether the action of the management of Bank of Baroda, Jhansi in terminating the services of Sri Shiv Kumar Peon w.e.f. 29-7-94 is legal and justified? If not, to what relief is the said workman entitled?

2. The simple case of the concerned workman Shiv Kumar is that he was engaged as a peon on 12-8-92 by the opposite party Bank of Baroda at its main branch in District Jhansi. He continuously worked upto 28-7-94. His services were illegally terminated w.e.f. 29-7-94 without paying retrenchment compensation and notice pay. Hence, his termination is bad in law.

3. The opposite party filed a lengthy written statement, the pith and substance of their defence is that the concerned workman was engaged as a water boy to supply water as daily rated worker.

As wages did not satisfy him he left the job of his own. He was never engaged as a peon.

4. In the rejoinder it has been denied that the concerned workman was engaged as water boy or had left the job of his own.

5. In support of his case, the concerned workman examined himself as W.W.1, whereas the opposite party has examined its Senior Manager, Mahendra Kumar Bhargava M.W. 1. Further the concerned workman has filed Ext. W-1 to W-46 payment vouchers. Similarly the management had filed Ext. M-1 to M-17 vouchers by which the payment was made to the concerned workman.

6. The first point which calls for determination is as to whether the concerned workman was engaged as a peon. Naturally the concerned workman has stated that he was engaged as peon. In his cross-examination he has admitted that he was also engaged to supply water on daily basis. He has further admitted that there were already regularly appointed peons working at this branch.

7. M. K. Bhargava M.W. 1 has stated that the concerned workman was never engaged as peon. Instead he was required to supply water as a daily rated worker. The vouchers filed by both the parties also go to show that the workman was a casual labour and he was paid labour charges. I am of the view that when there were already regular appointed peons working at this branch there was no occasion for the branch manager to appoint another one. Hence my finding is that he used to be engaged as a water boy as daily rated worker. His engagement was not against any post. If he was incidentally asked to perform some job of peon of an on it would not make him a whole time peon. Accordingly it is held that the concerned workman was not engaged as a peon. Instead he was a daily rated worker engaged to supply water. In the case of Sushil Kumar Pandey versus Director Bal Vikas Sewa Avam Paushtik Ahar and others 1993 LLR 279 (All.), it has been held that a daily rated worker who does not perform the work of permanent nature is removed from service question of his reinstatement does not arise. Even compliance of Section 25-F of I.D. Act is not necessary in such a case.

8. In view of above authority I am further of the view that the concerned workman was not engaged on any permanent post. It is accordingly held that concerned workman is not entitled for reinstatement even if his termination is found to be bad in the eye of law. Accordingly the concerned workman is not entitled for any relief.

B. K. SRIVASTAVA, Presiding Officer



नई दिल्ली, 31 दिसम्बर, 1997

New Delhi, the 31st December, 1997

का.आ. 121.—केन्द्रीय सरकार का समाधान हो गया है कि लोकहित में ऐसा अपेक्षित है कि भारत प्रतिभूति मुद्रणालय, नासिक रोड जिसे औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की प्रथम अनुसूची में प्रविष्टि 12 पर निर्दिष्ट किया गया है, उक्त अधिनियम के प्रयोजनों के लिए लोक उपयोगी सेवा घोषित किया जाना चाहिए।

अतः अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खंड (इ) के उपखंड (6) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार भारत प्रतिभूति मुद्रणालय, नासिक को उक्त अधिनियम के प्रयोजनों के लिए तत्काल प्रभाव से छः माह की अवधि के लिए लोक उपयोगी सेवा घोषित करती है।

[फा. संख्या एस-11017/18/97-आई. आर. (नी. विधि)]  
एच. सी. गुप्ता, अवर सचिव

New Delhi, the 31st December, 1997

S.O. 121.—Whereas the Central Government is satisfied that the public interest requires that the India Security Press, Nasik Road which is covered by item 12 of the First Schedule to the Industrial Disputes Act, 1947 (14 of 1947), should be declared to be a public utility service for the purpose of the said Act;

Now, therefore, in exercise of the powers conferred by sub-clause (vi) of clause (n) of Section 2 of the Industrial Disputes Act, 1947, the Central Government hereby declares with immediate effect the said industry to be a public utility service for the purposes of the said Act for a period of six months.

[F. No. S-11017/18/97-IR(PL)]  
H. C. GUPTA, Under Secy.

नई दिल्ली, 31 दिसम्बर, 1997

का.आ. ———केन्द्रीय सरकार का समाधान हो गया है कि लोकहित में ऐसा अपेक्षित है कि किसी भी नेल क्षेत्र में सेवाओं को जिसे औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की प्रथम अनुसूची की प्रविष्टि 17 के अन्तर्गत निर्दिष्ट किया गया है, उक्त अधिनियम के प्रयोजनों के लिए लोक उपयोगी सेवाएं घोषित किया जाना चाहिए।

अतः अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खंड (इ) के उपखंड (6) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार उक्त उद्योग को उक्त अधिनियम के प्रयोजनों के लिए तत्काल प्रभाव से छः मास की अवधि के लिए लोक उपयोगी सेवा घोषित करती है।

[फा. संख्या एस-11017/10/97-आई.स. (नी. वि. )]  
एच. सी. गुप्ता, अवर सचिव

S.O. 122.—Whereas, the Central Government is satisfied that the public interest requires that the Services in any Oil Fields which is covered by item 17 of the First Schedule to the Industrial Disputes Act, 1947 (14 of 1947), should be declared to be a public utility service for the purpose of the said Act;

Now, therefore, in exercise of the powers conferred by sub-clause (vi) of clause (n) of Section 2 of the Industrial Disputes Act, 1947, the Central Government hereby declares with immediate effect the said industry to be a public utility service for the said Act for a period of six months.

[F. No. S-11017/10/97-IR(PL)]  
H. C. GUPTA, Under Secy.

नई दिल्ली, 2 जनवरी, 1998

का.आ. 123.—कर्मचारी भविष्य निधि एवं प्रकीर्ण उपबंध अधिनियम, 1952 (1952 का 19) की धारा 5क की उपधारा (i) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार केन्द्रीय न्यासी बोर्ड में स्व. श्री पी. बी. हुसैन के स्थान पर श्री बी. पी. चौधरी को सदस्य के रूप में नियुक्त करती है और 10 अप्रैल, 1997 को भारत के राजपत्र, समाधारण के भाग-II, खंड 3, उप-खंड (ii) में प्रकाशित भारत सरकार के श्रम मंत्रालय की दिनांक 9 अप्रैल, 1997 की अधिसूचना का आ. संख्या 321 (अ) में निम्नलिखित संशोधन करती है।

उक्त अधिसूचना में क्रम संख्या-31 के सामने की प्रविष्टियों के लिए निम्नलिखित प्रतिस्थापित किया जाएगा, अर्थात् :—

श्री बी. पी. चौधरी,

अध्यक्ष,

फंडेशन ऑफ एसीमिलेशन ऑफ स्माल इंडस्ट्रीज ऑफ इंडिया (एफ. 07 ए. एस. आई. आई.),

सार्फत मै. इन्डो फास्टनर्स,

ई-30, फोकल प्वाइंट,

लुधियाना-141010

[फा. सं. बी-20012/1/95-एस. एस. -II]  
जे. पी. शुक्ला, अवर सचिव

New Delhi, the 2nd January, 1998

S.O. 123.—In exercise of the powers conferred by sub-section (1) of Section 5A of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), the Central Government hereby appoints Shri V. P. Chopra, as a member of the Central Board of Trustees in place of late Shri P. B. Duggal and makes the following amendment in the Notification of the Government of India in the Ministry of Labour No. S.O. 121(E), dated the 9th April, 1997 published in Part-II, Section 3, sub-section (ii) of the Gazette of India, Extra Ordinary, dated the 10th April, 1997;

In the said Notification for the entries against serial No. 31 the following shall be substituted namely :—

Shri V. P. Chopra, President,  
Federation of Association of Small Industries,  
of India (FASII),  
C/o. M/s. Indo Fasteners,  
E-30, Focal Point,  
Ludiana-141010.

[F. No. V-20012/1/95-SS.II]

J. P. SHUKLA, Under Secy.